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THE

STATE RECORDS

OF

NORTH CAROLINA.

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North Carolina

COLLECTED AND EDITED

BY

WALTER CLARK,

CHIEF JUSTICE OF THE SUPREME COURT OF N. C.

VOL. XXIII.

LAWS 1715-1776.

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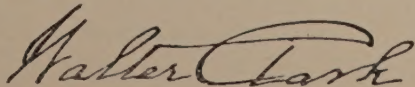
PREFATORY NOTES.

A vast deal of the history of a people is to be found in its laws. For this reason, the laws of the Province, and State, of North Carolina from 1663 to 1 Jan., 1791, so far as they could be gathered up, have been collected and will appear as Volumes 23, 24 and 25 of the "State Records." The collection begins with the "Six Confirmed Laws" of 1715, which were really a codification (the first codification of laws in this State) of all the statutes prior to 1715 which were not deemed obsolete. There was a subsequent codification reported to the Legislature in 1749 (the "Yellow Jacket"), by Samuel Swann, but first printed in 1752 by James Davis, and private codifications printed by the latter in 1765 and again in 1773, and another codification by legal authority by James Iredell printed in 1791. Each of these collections omitted laws or parts of laws which had then become obsolete, and the original statutes in many instances were never printed or all copies have been lost in the process of time. After careful collation of the above several codifications, to obtain the statutes thus preserved in print, the omitted laws and parts of laws were supplied as far as possible by research among the manuscript laws in the office of the Secretary of State at Raleigh and among the manuscript records of the Province in the British Archives at London. These missing laws, as far as they could be found, have been intercalated at their proper places chronologically. There have been several codifications since "Iredell's Revisal" in 1791, but these do not concern us.

Subsequently some other manuscript laws were discovered in London and these have been copied and printed as a *Supplement* at the end of Vol. 25. The laws prior to 1715 are still very fragmentary, but the above discoveries in manuscript, including those printed in the Supplement, enable us to present a nearly complete body of the statutes, both public and private, enacted from 1715 down to 1 Jan., 1791. The private laws, embracing charters and similar statutes, are often specially interesting as historical information. There is no division in this publication between public and private statutes, as no end could be served thereby.

Two hundred and fifty extra copies of Volumes 23, 24 and 25 have been printed for the benefit of lawyers who may wish to buy these volumes separately, and there will be an Index at end of Vol. 25 for these three volumes of the laws, though the same matter will be incorporated into and will become part and parcel of the General Index in Vol. 27.

RALEIGH, N. C.,
1 June, 1905.



LAWS OF NORTH CAROLINA,

1715 TO 1791.

1715

(2 GEORGE I.)

("The Six Confirmed Laws.")

CHAPTER I.

An Act concerning Marriages.

I. For as much as there may be divers people that are minded to be joined together in the Holy Estate of Wedlock & for that there is yet no Minister in this Country by whom the said persons may be joined in Wedlock, according to the Rites & Customs of our natural Country, the Kingdom of England; that none may be hindered from so necessary a work for the preservation of Mankind & settlement of this country.

II. It is enacted, & Be it Enacted by the Palatin & Lords Proprietors of Carolina, by & with the consent and Advice of the present Grand Assembly & the authority thereof, that any two persons desirous to be joined together in the Holy Estate of Matrimony, taking three or four of the neighbours along with them & repairing to the Governor or any one of the Council, before him declaring that they do join together in the Holy Estate of Wedlock & do accept one the other for Man & Wife, and the said Governor or Councilor before whom such Act is performed, giving certificate thereof & the said certificate being registered in the Secretary's office, or by the Register of the Precinct or in such office as shall hereafter be appointed for that use, It shall be deemed a Lawful Marriage & the persons violating that marriage shall be punished as if they had been married by a Minister according to the Rites and Customs of England.

CHAPTER II.

An Act for Transferring of Rights.

I. There being divers persons who resort into this Country & perhaps in a short time leave it again; Yet, nevertheless, while they are here they make sale of their Rights & Lands, which thing may prove very prejudicial to our Lords Proprietors and to the speedy settlement of this Government.

II. Be it therefore Enacted by the Palatin & Lords Proprietors by & with the consent of this present Grand Assembly and the authority thereof, that no person or persons whatsoever shall make sale of their Rights until they have been two compleat years at least and Inhabitants in the Country.

CHAPTER III.

An Act concerning the Defraying the Charge of the Government & Council.

I. Whereas there hath never been any course taken for the defraying the necessary Charge of the Government & Council in time of Court, And forasmuch as the Grand Assembly do think it unreasonable that they should spend their time in the service of the Country & not have their charges borne.

II. Be it therefore Enacted by the Palatin & Proprietors by & with the advice & consent of the present Grand Assembly and the Authority thereof that there be Thirty pounds of Tobacco levied upon every Action that comes into Court from him that is Cast & that it be levied & collected by the Sheriff with his Fees & disposed of by the Order of the Governor and Council for defraying their ordinary charge.

CHAPTER IV.

An Act prohibiting Strangers Trading with the Indians.

I. Forasmuch as there is often recourse of strangers from other parts into this Country to truck & trade with the Indians which is conceived may prove prejudicial, wherefore,

II. Be it Enacted by the Palatin & Lords Proprietors by & with the advice & consent of the present Grand Assembly & the Authority thereof, that if any person or persons of what Quality or Condition soever they be, shall presume to come into this Country to Truck & Trade with any of our Neighbour Indians belonging to the Country, or shall be found to have any Indian Trade purchased from them, or being found or appearing that they come to trade with any Indians as aforesaid whether in their Town or Elsewhere within the Country, which is hereby left for the Majistrate to judge, It shall be lawful for any person or persons to apprehend any such person or Foreigner that shall be found amongst the Indians or elsewhere within the limits of the Country and him or them bring before the Governor or any one of the Council, who shall hereby have power to commit them to prison there to abide until they have paid Ten thousand pounds of Tobacco & Cask; otherwise to stand to the censure of the Governor.

III. And it is further declared that whatsoever Trade is found with the person apprehended one half thereof & one half of the Fine shall belong to the Apprehender & the other half to the Lords Proprietors.

CHAPTER V.

An Act for the Speedy Settlement of Lands.

I. Whereas there are several of the Inhabitants within this Country that formerly did clear some small quantity of Land & built some Houses thereon which they have forsaken; especially on the South Lancaster side & the West side of Chowan, and other parts of the Country. And forasmuch as the Land lyeth void & unplanted; which proves an hindrance of the settlement of the Country:

II. Be it therefore Enacted by the Palatin & Lords Proprietors by & with

the consent & advice of the present Grand Assembly and the Authority thereof, that any person or persons that have.

(The rest is lost.)

CHAPTER VI.

An Act exempting New-Comers from Paying Levies for one Year.

(Missing.)

NOTE.—The above six acts were enacted prior to 1715 and confirmed anew at that session.—EDITOR.

CHAPTER VII.

(Repealed by Act 4 April 1741.)

An Act for the better observing the Lord's Day called Sunday, the 30th of January, the 29th of May & the 22nd of September; And also, for the suppressing Prophaneness, Immorality, & divers other vicious & Enormous Crimes.

I. Forasmuch as by the great neglect in keeping Holy the Lord's Day & the little regard had to all other days & times appointed to be kept religiously, Impiety is likely to grow to a very great height, if not timely prevented, to the great Dishonour of the Almighty and scandal of this Province, Wherefore for the Speedy & Effectual Redressing thereof,

II. Be it Enacted by his Excellency the Palatine and the rest of the True & Absolute Lords Proprietors, by & with the advice & consent of the General Assembly now met at Little River for the North-East of the Province of Carolina,

III. And It is hereby Enacted by the Authority aforesaid, that from & after the Ratification of this Act, all & every person and persons whatsoever shall on every Lord's Day apply themselves to the holy Observation thereof by exercising themselves publicly & privately in the required duties of Piety & true Religion & that no Tradesman, Artificer, Workman, Labourer, or any other person or persons whatsoever shall do or exercise any Worldly Labour, Business or work of their Ordinary Callings, or shall employ themselves either by Hunting or Fishing on that Day or any part thereof (Works of Necessity & Charity only excepted,) and that every person being of the Age of fourteen years or upwards, Offending in the Premises, shall for every such offence forfeit & pay the sum of Tenn Shillings.

IV. And Be it Further Enacted by the Authority aforesaid, that the 30th of January, being the Day whereon the late Royall Martyr & sovereign King Charles I. was barbarously murdered; And 22nd of September being the Anniversary of the late barbarous massacre committed by the Indians on the Inhabitants of Bath County in the year 1711, are & shall be hereby appointed to be kept & solemnized, annually, as Days of Humiliation, with Fasting & Prayer; And the 29th of May being the Day of the Birth & happy Restoration of the late King, Charles II of Blessed Memory shall be yearly celebrated as an Holy Day & that if any person or persons shall be found Gameing, Drinking or Working or otherwise Using and doing any Act or Deed on the said 30th of January, 22nd of September, or not celebrating the said 29th Day of May as an Holy Day, contrary to the true Intent & Meaning of this Act (Works of Necessity & Charity only excepted) he, she, or they, so offending shall be fined the sum of Five Shillings,

V. And Be It Further Enacted that no Planter, Merchant, their Servants shall cause or encourage or permit any Servant, or Servants, Slave or Slaves to work on the Lord's Day or any of the other Days appointed by this Act to be kept Holy every such Master, Mistress or Overseer shall for every Servant or Slave forfeit & pay the sum of Five Shillings for every such offence.

VI. And be it Further Enacted that no Planter, Merchant, their Servants or Slaves, nor any other person or persons whatsoever shall Use, Employ, or Trade with any Boat, Canoe, or Periauguer, on the Lord's Day (except in cases of Necessity or to attend the Publick Worship) upon Pain that every person so offending shall forfeit & pay for every offence the sum of Ten Shillings.

And if any Ordinary or Punch-House Keeper shall sell any Wine, Beer, Punch or other Liquors on the Lord's Day, the 30th of January, or the 22nd of September aforesaid (except it be for necessary occasions, for Lodgers or Sojourners) every person so offending shall for every such offence forfeit & pay the sum of Ten Shillings.

VII. And Forasmuch as Prophane Swearing & Cursing is forbidden by the Word of God, Be it therefore Enacted by the Authority aforesaid that no person or persons shall prophanely Swear or Curse, upon pain of forfeiting & paying the sum of Two Shillings & six pence for every Oath or Curse if a private person; But if any person in Office, shall prophanely swear or curse, then such person shall forfeit & pay the sum of Five Shillings. And further, in case any person or persons shall prophanely swear or curse in any Court-House Sitting the Court, He or She shall upon Conviction, Immediately pay the sum of Five Shillings or be set in the Stocks for the space of three Hours by order of the Court before which the Offence was committed.

VIII. And whereas the odious & loathsome Sin of Drunkenness is of late grown into common Use within this Province & being the Root & Foundation of many Enormous Sins,

IX. Be it therefore Enacted that all & every Person & persons that shall after the Ratification hereof be drunk upon the Sabbath Day, the 30th of January, the 22nd of September, shall forfeit & pay the sum of Ten Shillings, if on any other day the sum of Five shillings for every such offence.

X. And be it further Enacted that if any person or persons shall offend in any of the aforesaid premises in the presence of any Justice of the Peace of the Precinct where the Crime shall be committed & shall thereof be convicted by him or by his own confession or by the proof of any one or more witnesses, upon Oath before any other Justice of the Peace for the said Precinct, or before any Justice of the Peace of the Precinct where the party so offending had or hath at the time of conviction, his usual Residence & Aboard, then the said Justice, who is hereby impowered to give & administer the said Oath before whom such person or persons shall be convicted, shall give & issue out a Warrant under his Hand & Seal to the Marshall or Constable of the Precinct where the Offender shall be convicted, thereby commanding him (upon non-payment of the Fines & Forfeitures aforementioned) to Levy the same by way of Distress & Sale of the Goods of every such Offender—rendering to the Offender (after the Charges of Makeing Distress as aforesaid are first deducted) the overplus of the money raised thereby & in default of such Distress or in case of Insufficiency or Inability of the said Offender to pay the said Forfeitures & Penalties, Then set him, her, or them publickly in the Stocks by the Space of Three Hours.

XI. And Be it Further Enacted that all Forfeitures arising by Virtue of this Act shall be delivered by the Justice (before whom he shall be convicted) to the Church Warden of his parish wherein the Distress shall be made to be paid, one half to the Informer & the other to the Use of the poor, and the said Church Warden to be accountable to the Vestry for the same: Provided that nothing in this Act contained shall extend to the prohibiting of Dressing Meat in Families or Dressing or Selling Meat in Publick Houses for such as cannot otherwise be provided for; And Provided also, that no person or persons shall be prosecuted or molested for any offence before mentioned in this Act, unless he or they be prosecuted for the same within Ten Days after the Offence committed.

XII. And be it Further Enacted by the Authority aforesaid, that every person who shall be convicted of fornication in the Precinct Court where he or she shall be so convicted, shall for every time so offending be fined the sum of Fifty Shillings, one half for the Informer & the other half to the Church Wardens for the use of that Parish or precinct or to receive Corporal punishment by being publicly whipped at the Discretion of the Court, not exceeding One and twenty lashes; And that every person that shall be convicted of Adultery shall be fined the sum of Five pounds to the uses aforesaid, or to receive corporal punishment as aforesaid. And for the preventing of Charges accruing to the parish or precinct wherein any Bastard Child or Children shall be born.

XIII. Be it Further Enacted that any two Justices of the Peace, upon their own knowledge or Information made to them, that any single woman is bigg with child may cause such woman to be brought before them & examine her upon her Oath concerning the Father & to cause the man whom she shall accuse to be brought before them & to enter into Bond payable to the Justice of the Precinct Court, for the time being & to their Heirs & Successors, with condition that he shall discharge the precinct or parish of & from the said child & shall also observe & keep such further orders for the maintaining the said Child as the said Court shall see convenient & agreeable. But in case any woman shall obstinately refuse to confess who is the Father of such Bastard Child, or any man so accused shall deny to enter into Bond for discharging the precinct or parish, & for maintaining the said Child as aforesaid, then it shall & may be lawfull for the said Justices before whom he or she are brought, to commit him or her to the safe Custody of the Marshall or his Deputy untill such time as he or she shall be discharged therefrom by the Precinct Court, the Justices whereof are hereby authorized & impowered to inflict such Corporal or other punishment as to them shall seem most reasonable for such contempt.

XIV. And Whereas to the Great Scandall of this Government, many persons from Foreign Parts have come & settled themselves here as man & wife, when by their Actions & Behaviour, or by some knowledge of others, they appear not only to be unmarried to each other, but too often are the husband & wife of others, Wherefore for the further prevention thereof,

XV. Be it Further Enacted that whatever man or woman shall hereafter come into this Government from Foreign Parts & shall here live together as Man & Wife & shall be accused by credible report or Common Fame that they are not lawfully married, such Man & Woman shall be convened before the next Magistrate & by him compelled, within twelve months after, to produce a sufficient Certificate of their marriage, or, at least, that they have been taken & reputed to be Man & Wife in the Government where

they last resided; otherwise, to be treated as Vagabonds & expelled the Government.

XVI. And It Is Also Enacted that this Act shall be read publickly by the Minister of every parish immediately after Divine Services at least twice every year, viz., on the first Sunday in the months of March & October, & for want of such Ministers by the Clerk of every Precinct Court, at the Courts holden in the months of April & October, yearly during the times of the Court sitting, under the penalty of paying Twenty Shillings for every Default & Neglect

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN'S FOSTER,
T. KNIGHT.

CHAPTER VIII.

(Repealed by Act 4 April, 1741.)

An Act for Establishing the Church & Appointing Select Vestrys.

I. This Province of North Carolina being a Member of the Kingdom of Great Britain; & the Church of England being appointed by the Charter from the Crown to be the only Established church to have Publick encouragement in it; We, therefore to express our gratitude to the Rtt. Honble, the Society for promoting the Christian Religion in Foreign parts, and their Zeal for the promoting our Holy Religion by making such provisions for the building of Churches & Chappels & Maintainance of the Clergy as the Circumstances of this Government will admitt Do pray that it may be enacted, and

II. Be it Enacted by his Excellency the Palatine &c. It is hereby Enacted that this province of North Carolina be divided into parishes according to the Divisions & precincts hereafter mentioned that is to say—Chowan precinct into two parishes, to be divided by Albemarle Sound & Chowan River & shall be distinguished by the names of the Eastern parish of Chowan & the South West parish: Pasquotank precinct into two parishes to be divided by Pasquotank River & shall be distinguished by the names of the North East parish of Pasquotank & the South West parish of Pasquotank. Perquimins, Carrituck & Hyde to be parishes & bounded by the Limits of the several precincts: the remaining part of Pamlico River and the Branches thereof, commonly called Beaufort precinct to be one parish by the name of St. Thomas Parish: And Neuse River & the Branches thereof by the name of Craven parish to which all the Southern settlements shall be accounted a part of the same parish until further Divisions be made.

III. And Be It Further Enacted by the Authority aforesaid that there shall be a Vestry in each & every of the aforesaid precincts & parishes consisting of the Minister of the parish, when any such shall be there resident, & Twelve men whose names are hereafter mentioned.

EASTERN PARISH OF CHOWAN PRECINCT.

The Hon. Chas. Eden, Esq.,
Col. Edw'd Moseley,
Capt. Fred'k Jones,

Mr. Jas. Tayloe,
Capt. Henry Bonner,
Mr. John Blount,

Maj. Thos. Luten,	Mr. Saml. Padget,
Capt. Nich. Crisp,	Mr. Thos. Garrett,
Mr. Thos. Bray,	Mr. John Jordan.

SO. WEST PARISH OF CHOWAN PRECINCT.

Col. Thos. Pollock,	John Worley, Esq.,
Col. Wm. Maul,	Mr. Lewis Bryant,
Wm. Duckenfield, Esq.,	Mr. John Holbrook,
Maj. Robt. West,	Maj. Robt. Lanier,
Capt. Jno. Bird,	Mr. Len'd Sarson,
Mr. Jno. Hardy,	Mr. Lewis Williams.

PERQUIMINS PARISH.

Francis Foster, Esq.	Mr. Henry Clayton,
Col. Maurice Moor,	Mr. Jos. Jessop,
Col. Jno. Hecklefield,	Mr. Saml. Phelps,
Thomas Hardy, Esq.,	Mr. Rich'd Whidby,
Capt. Rich'd Sanderson	Mr. Wm. Kitchmy,
Mr. Jas. Mings,	Mr. John Stepney.

SO. WEST PARISH OF PASQUOTANK PRECINCT.

Nathl. Chevin, Esq.,	Mr. Antho. Hatch,
Col. Thos. Boyd,	Mr. Jonathan Jacocks,
Tobias Knight, Esq.,	Mr. Jno. Palin,
Mr. Jno. Jennings,	Mr. Wm. Norris,
Mr. Richard Warren.	Mr. Robt. Lowry,
Mr. Edm'd Gale,	Mr. ——— West.

NO. EAST PARISH OF PASQUOTANK.

Thos. Miller, Esq.,	Mr. Gabl. Burnham,
Mr. Jno. Solley,	Mr. Thos. Sawyer,
Mr. Jno. Relfe,	Mr. Henry Sawyer,
Mr. Jno. Bell,	Mr. Alexr. Spence,
Mr. Saml. Bernard,	Mr. Robt. Sawyer,
Capt. Jno. Norton,	Mr. Jno. Upton.

CORRATUCK PRECINCT PARISH.

Rich'd Sanderson, Esq.,	Mr. Foster Jarvis,
Col. Wm. Reed,	Mr. Benj. Tull,
Wm. Swann, Esq.,	Mr. Jos. Sanderson,
Thos. Vandermulin,	Mr. Jos. Wicker,
Mr. Thos. Taylor,	Mr. Wm. Luffman,
Mr. Wm. Williams,	Mr. Wm. Stafford.

ST. THOMAS'S PARISH.

The Hon'ble Chas. Eden, Esq.,	Capt. Jno. Drinkwater,
Col. Christopr. Gale,	Capt. Jno. Clark,
Tobias Knight, Esq.,	Mr. John Adams,
Mr. Jno. Porter,	Mr. Patrick Maule,
Daniel Richardson, Esq.,	Mr. Thos. Harding,
Mr. Thos. Worsley,	Mr. Jno. Lillington.

HYDE PARISH.

Col. Eml. Cleeves,	Mr. Wm. Barrow,
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Mr. Jno. Jordan,
Mr. Saml. Slade
Mr. Rich'd Jesper,
Mr. Wm. Cording
Mr. Henry Slade,

Mr. Jno. Proctor
Mr. Robt. Spring,
Mr. Richd. Dane,
Mr. Richd. Harvey,
Mr. Robt. Green.

CRAVEN PARISH.

Col. Wm. Brice,
Maj. Wm. Hancock,
Mr. Jno. Nelson,
Mr. Jno. Slocumb,
Capt. Rich'd Graves,
Mr. Danl. McFarlin,

Mr. Jno. Smith,
Mr. Jno. Mackey,
Mr. Thos. Smith,
Mr. Jos. Bell,
Mr. Martin Frank,
Mr. Jaco. Sheets.

IV. Which said Vestrymen are to be summoned by the Marshall or his Deputy in each precinct or parish to meet together at the Church, Chappel or Court-House in every precinct, or if there be none, then at such other place as the Marshal shall appoint within forty Days after the publication of this Act. Or if any person or persons appointed by this Act to be a Vestryman shall fail to meet as aforesaid, upon such summons, he & they shall forfeit & pay the sum of Three pounds. And if the Marshal shall refuse or neglect to summons the Vestryman as is before mentioned & appointed he shall forfeit the sum of Twenty Shillings for every Vestryman not summoned.

V. And Be It Further Enacted, by the Authority aforesaid that all & every person or persons who by this Act are appointed Vestrymen within any parish or precinct within this Government shall on or before the Easter Monday next ensuing the Ratification of this Act; and all & every persons who at any time hereafter shall be elected a Vestryman or become a member of any Vestry within the Government, shall within one month after his becoming a Vestryman, or member of any Vestry, before some one or more Justice or Justices of the Peace within that parish or precinct besides taking the Oaths by Law enjoined make & Subscribe the Declaration following, viz. I, A. B. do declare that it is not lawfull upon any pretence whatever to take up Arms against the King & that I will not apugne the Liturgy of the Church of England as it is by Law established.

VI. And that all & every person who shall neglect & refuse to do the same within the respective times aforesaid shall be deprived of such his place of Vestryman & of being a member of such Vestry to all Intents & purposes, & such places shall be actually void; & if such person is not a known & publick dissenter from the Church of England, he shall also forfeit the sum of Three pounds.

VII. And that from & after such Neglect or refusal it shall be Lawfull for the remaining part of the Vestrymen to proceed to the election or nomination of some other discreet Freeholder of the respective parish, in the Room of such persons so neglecting or refusing as aforesaid. And if such person so to be elected in the Room of such person so neglecting or refusing, shall also neglect or refuse to Make & Subscribe the Declaration & Acknowledgement in Manner & Time aforesaid, In such Cases, if the Vestry shall Not proceed to Election within one month after such Vacancy, then it shall be Lawfull to & for the Present Incumbent (if any) & for want thereof, the Commander in Chief of the Government for the time being, under his hand & seal to select & nominate a discreet Freeholder of the parish in such

vacant Room, which person so to be elected & nominated, after his making Subscription in manner & time aforesaid, shall be deemed & taken to be a Vestryman or member of such Vestry, as if he had been expressly nominated by the Act.

VIII. And Be It Further Enacted, by the Authority aforesaid that the Vestrymen of every Precinct or Parish, or the greatest part of them shall choose two persons who are Vestrymen to be Church Wardens, who shall continue in that Office one year & no longer unless he or they shall be willing, & then two other Vestrymen shall succeed in the same office for the next year & so, successively, until every Vestryman hath served in the Office aforesaid.

IX. And Be It Further Enacted by the Authority aforesaid that if any person who shall be chosen Church-Warden shall refuse to execute that Office without Lawfull cause, he shall forfeit & pay Thirty Shillings to be levied upon the Estate of the person refusing by Order of the Vestry or greater part of them, to be disposed of for the Use of the parish, upon which such person shall be excused untill his turn come again in course. And the Church-Wardens in each respective parish and their Successors shall have full power to call the Vestrymen together & to appoint the time of their meetings, & in case of their neglect so to do, when Occasion shall so require, it shall be Lawfull for three or more of the Vestry to do the same. And if any Vestryman shall fail to give his Attendance at such time of meeting without Lawfull cause to be allowed & approved of by the Vestry or the greatest part of them, shall forfeit & pay Ten Shillings for every such Default to be Levied & disposed of in manner aforesaid.

X. And Be It Further Enacted by the Authority aforesaid, that the Several Church-Wardens & Vesteries or the greatest part of them shall use their best & utmost endeavour to procure an able & Godly Minister qualified according to the Ecclesiastical Laws of England, & a person of a sober life & Conversation to be Clerk, & to raise for him or them, such Stipends yearly as they shall think convenient, so as such sum or stipend for the Minister be not less than Fifty Pounds yearly; & that in the raising thereof & all other parish charges, the whole do not exceed five shillings per Poll on all the Taxable persons in the parish. Provided allways that such Minister for whom such moneys are to be raised yearly be constantly resident in the parish & do not omit officiating at the Church or Chappel within the parish above One Sixth part of the Sundays in the Year, unless permitted by the Church-Wardens & the Vestry to officiate in the Neighboring vacant parishes.

XI. And Be It Further Enacted, by the Authority aforesaid that the Church Wardens & Vestrymen, or the greatest part of them, in each respective precinct or parish aforesaid & their Successors forever shall have full power & Authority to purchase Land for a Glebe to build one Church & one or more Chappels in every respective precinct or parish aforesaid, as they or the greatest part of them shall think necessary, & the same as often as need shall require to repair & also to provide & take care to satisfy & pay all Parochial Charges out of such Gifts, Goods, & Chattels as shall come to their hands for the Church or parishes Use; towards the payment of which parochial Charges all the Fines & Forfeitures of this Law incurred shall be Levied by the Church-Wardens in each respective precinct or parish & by them accordingly applied.

XII. And Be It Further Enacted by the Authority aforesaid that for the defraying or paying whatsoever charges shall or may from time to time

arise by force of this Act, or which shall properly be a parish charge, altho' not mentioned in this Act, It shall & may be Lawfull for the several Church-Wardens & Vestryman or the greatest part of them & their Successors in every respective precinct or parish aforesaid to raise & levy money by the Poll so as the same do not exceed Five Shillings by the Poll per Annum: which sum or sums of money so laid equally by a Poll-tax, shall after Twenty days notice given by the Church Wardens to the parishioners be paid by the time appointed for the payment thereof, either at the Glebe Church, Chappel, or at such other place as by the Church-Wardens shall be appointed, under the Penalty of Double Distress to be made by the Church-Wardens on the Goods of such person refusing or neglecting to bring the same by the time appointed.

XIII. And Be It Further Enacted, by the Authority aforesaid, that the Church-Wardens of every precinct or parish aforesaid shall take due care & order that all such sum or sums of money as vestry shall order & appoint be duly raised & applyed & payed to such Uses as by the said Vestry shall be directed for which the Church Wardens shall be allowed on their Ac'ts the sum of Three pr. cent & no more. And if any Church-Warden shall refuse or Neglect to perform his duty therein he shall be obliged to make good & pay all such sum or sums so ordered by the said Vestry to such person or persons as should have had the same had the Taxes been duly levied & paid, excepting Insolvents. And to prevent Illegal & Unlawfull Marriages not Allowable by the Church of England but forbidden by the Table of Marriage.

XIV. Be It Enacted by the Authority aforesaid that no Minister, Priest, or Magistrate (who is hereby impowered to join persons together in Marriage in such Parishes where no minister shall be resident) either upon Licence, or after the persons intending to marry have had the Banns of Matrimony published Three times by the Clerks at the Usual place of celebrating Divine service, by affixing such their intentions at the Court-House door two distinct Courts, shall presume to join together in marriage any person whatsoever contrary to the Table of marriages which the Church-Wardens & Vestry are hereby to cause to be set up in all Churches & Chappels under the penalty of Five pounds: Nor shall any persons forbidden to further marry by such Table of Marriages presume to be joined together in Marriage under the like Penalty of Five Pounds & that no Lay person in any parish where a minister or Priest is resident shall join any persons in Marriage under the Penalty of Five Pounds: One half to the parish for the Use of the poor & the other to the Minister resident or incumbent: And that it shall & may be Lawfull for every Minister to take & receive of every person or persons by him married the sum of Five Shillings & no more. Provided such persons izing such Marriage.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER IX.

(Substantially re-enacted by Act 16 Oct., 1749.)

An Act for Liberty of Conscience & that the Solemn Affirmation of the People called Quakers shall be accepted instead of an Oath in the usual form.

I. Be It Enacted by His Excellency the Palatine & the rest of the True & Absolute Lords Props. of Carolina, By & with the advice & consent of this present General Assembly, now met at Little River for the North East part of the said province.

II. And It is Hereby Enacted that all Protestant Dissenters within the Government shall have their Meetings for, the exercise of their Religion without Molestation. Provided that the same be Publick & subject to such rules, regulations & restrictions as by the several acts of Parliament of the Kingdom of Great Britain relating to Protestant Dissenters are made & provided.

III. And whereas divers Dissenters commonly called Quakers refusing to take an Oath in Courts of Justice & other Places are lyable to be imprisoned & their Estates sequestred by Process of Contempts Issuing out of such Courts to the Ruin of themselves & families:

IV. Be it Therefore Enacted by the Authority aforesaid that from and after the Ratification of this Act every Quaker within this province who shall be required upon any lawful occasion to take an Oath in any case where, by Law, an Oath is required, shall instead of the usual form, be permitted to make his or her solemn affirmation or declaration in the words following, viz.: I, A. B., do declare in the presence of God, the witness of the truth of what I say. Which said solemn Affirmation or Declaration shall be adjudged & taken to be of the same force & effect to all intents & purposes in all Courts of Justices or other places where, by Law, an Oath is required within this Province as if such Quaker had taken an Oath in the usual form.

V. And Be It Further Enacted by the Authority aforesaid that if any Quaker making such solemn Affirmation or Declaration shall be lawfully convicted wilfully, falsely, & corruptly to have affirmed or declared any matter or thing, which if the same had been in the usual form would have amounted to wilful & corrupt perjury, every such Quaker so offending shall incur the same penaltyes & forfeitures as by the laws & statutes of the Kingdom of Great Britain are enacted against persons convicted of wilful & corrupt Perjury.

VI. Provided & Be It Enacted that no Quaker or reputed Quaker shall by Virtue of this Act be qualified or permitted to give evidence in any criminal causes, or to serve on any Jury, or bear any Office or place of profit or Trust in the Government—anything in this Act contained to the Contrary, in any wise, Notwithstanding,

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER X.

(Repealed by His Majesty's Order.)

Act Relating to the Biennial & Other Assemblys & Regulating Elections & Members.

I. Whereas His Excellency the Palatine & the rest of the true & Absolute Lord's Proprietors of Carolina, having duely considered the priviledges & immunities wherewith the Kingdom of Great Brittain is endued & being desirous that this their province may have such as may thereby enlarge the Settlement & that the frequent sitting of Assembly is a principal, safeguard of their People's priviledges, have thought fit to enact. And Be It Therefore Enacted by the said Pallatine & Lords Proprietors by & with the advice & consent of this present Grand Assembly now met at Little River for the North East part of the said province:

II. And it is Hereby Enacted that for the due election & Constituting of Members of the Biennial & other Assemblys it shall be lawfull for the Freemen of the respective precincts of the County of Albemarle to meet the first Tuesday in September every two years in the places hereafter mentioned—That, is to say the inhabitants of Chowan at the land laid out, for a Town on the fork of Queen Ann's Creek, The Inhabitants of Perquimans at the upper side of the mouth of Sutton's Creek; the Inhabitants of Pasquotanck at the plantation now in the possession of Mr. Joseph Glaister on New Begun Creek; The inhabitants of Corratuck at the plantation of Mr. Thomas Vandermulin; The inhabitants of Beaufort in Bath Town; The inhabitants of Hyde precinct at the plantation of Mr. Webster's on the West side of Matchapunga River; the inhabitants of Craven at Swift's Plantation at the mouth of Hancock's Creek; The inhabitants of New Bern at the Town so called; And then & there to choose such members as are to sit in the Assembly which shall be Five freeholders out of every precinct in Albemarle County aforesaid.

III. And Be It Further Enacted that it is & may be lawfull for the inhabitants & freemen in each Precinct in every other County or Counties that now is or shall be hereafter erected in this Government aforesaid to meet as aforesaid at such place as shall be judged most convenient by the Marshall of such county, unless he be otherwise ordered by the special commands of the Governor or Commander in Chief to choose two freeholders out of every precinct in the county aforesaid to sit & vote in the said Assembly.

IV. And Be It Further Enacted that the Burgesses so chosen in each precinct for the Biennial Assembly shall meet and sitt the first Monday in November then next following, every two years, at the same place the Assembly last satt except the Pallatines Court shall by their proclamation published Twenty days before the said meeting appoint some other place and there with the consent & concurrence of the Pallatine Court shall make & ordain such Laws as shall be thought most necessary for the Good of this Government. Provided allways & nevertheless that the Powers granted to the Lord's Proprietors from the Crown of Calling, proroguing & dissolving Assemblys are not hereby meant or intended to be invaded, limited or restrained.

V. And It Is Hereby Further Enacted by the Authority aforesaid that no person whatsoever Inhabitant of this Government born out of the allegiance of His Majesty & not made free; no Negroes, Mulattoes, Mustees or

Indians shall be capable of voting for Members of Assembly; & that no other person shall be allowed or admitted to vote for Members of Assembly in this Government unless he be of the Age of one & twenty years and has been one full year in the Government & has paid one year's levy preceding the Election.

VI. And Be It Further Enacted that all persons offering to vote for Members of Assembly shall bring a list to the Marshall or Deputy taking the Pole containing the names of the persons he votes for & shall subscribe his own name or cause the same to be done: And if any such person or persons shall be suspected either by the Marshall or any of the candidates not to be qualified according to the true intent & meaning of this Act, then the Marshall, Deputy Marshall, or other Officer that shall be appointed to take & receive such votes & list—shall have power to administer an oath or attestation to every such suspected person of his qualification & ability to choose Members of Assembly & whether he has not before given in his list at that Election.

VII. And Be It Further Enacted that Every Officer or Marshall which shall admit of or take the vote of any person not truly qualified according to the purport & meaning of this Act (provided the objection be made by any candidate or Inspector) or shall make undue return of any person for Member of Assembly shall forfeit for such vote taken, so admitted & for such Return Twenty pounds to be employed for & towards the building of any Court House, Church or Chapel as the Governor for the time being shall think fitt; but if no such building require it then to the Lord's Proprietors and Twenty Pounds to each person which of right & majority of votes ought to have been returned; to be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record in this Government wherein no Essoign Wager of Law or Protection shall be allowed or admitted.

VII. And be It Further Enacted that every Marshall or Officer whose business & duty it is to make returns of Elections of Members of Assembly, shall attend the Assembly the first Three days of their sitting (unless he have leave of Assembly to depart) to inform the Assembly of all matters & disputes as shall arise about Elections & shall show to the Assembly the List of the Votes for every person returned & have made complaints of false returns to the Assembly; every Marshall or other Officer as afores'd which shall deny or refuse to attend as afores'd shall forfeit the sum of Twenty pounds to be recovered & disposed of in such manner & form as the Forfeitures before by this Act appointed.

IX. And Be It Further Enacted that whatsoever Member or Representative so elected as afores'd shall faile in making his personal appearance & giving his attendance at the Assembly precisely on the day limited by the Writt (or on the day appointed for the meeting of the Biennial Assembly, when the election is for the Biennial Assembly) shall be fined for every day's absence during the sitting of the Assembly (unless by disability or other impediment to be allowed by the Assembly) Twenty Shillings to be levied by a Warrant from the Speaker & to be applied to such uses as the Lower House of Assembly shall think fitt.

X. And be It Further Enacted that every member of Assembly that shall be elected as aforesaid after the Ratifying of this Act shall not be qualified to sitt as a Member in the House of Burgesses before he shall willingly take the Oath of Allegiance & Supremacy the Adjuration Oath & all such other Oathes as shall be ordered & directed to be taken by the Members of Parliament in Great Britain.

XI. And Be It Further Enacted that the quorum of the House of Burgesses for voting & passing of Bills shall not be less than one full half of the House & that no Bills shall be signed & Ratified except there be present Eight of the Members whereof the Speaker to be one. And in case that eight Members shall meet at any Assembly those eight shall have full power to adjourn from day to day till a sufficient number can assemble to transact the Business of the Government.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XI.

Coroners Appointed.

I. Be it Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Prop's of Carolina by & with the advice & consent of this present General Assembly, now met at Little River for the No. East part of the said province.

II. And It Is Hereby Enacted that there shall be one able & substantial Freeholder appointed to be Coroner in every precinct which now is or hereafter shall be laid out within this government which Officer the Governor & Commander in Chief is hereby Desired, Authorized & Empowered by Commission under his hand & seal to Commissionate & appoint who shall by Virtue of this Act & such Commission granted yr. upon be fully invested with all such powers & Authorityes as to the office of a Coroner by the Laws & Customs of the Kingdom of Great Britain do of right belong or appertain.

III. And Whereas by reason of the distance of Places & difficulties of Passages such charge may accrue to the said Coroner in execution of the powers & Authorityes reposed in him.

IV. Be It Further Enacted that every Coroner so appointed & he is hereby Impowered to take & receive for every Inquest by him made Taken & returned into the Secretary's office (which he is hereby required, directed & commanded within three Months after the date thereof to do) the sum of Sixteen Shillings & Eight Pence for his own Fee.

V. And Be It Further Enacted that each Juryman shall be paid the sum of Twelve Pence pr. Diem & the Constable who summoneth the Jury the sum of one Shilling for every Juryman: the whole to be levied by a Warrant from the Coroner upon the Estate of the party on whose body an Inquest shall be taken if any such can be found otherwise such Charges to be paid out of the Public Treasury.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XII.

An Act for Qualification of Public Officers.

I. Whereas many Inconveniences may arise for want of Security being given by persons holding Offices in this Government for the faithful discharge of their Offices:

II. Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of Carolina by & with the advice & consent of this present General Assembly now met at Little River for the No. East part of said province & the authority of the same.

III. It is Hereby Enacted that no person or persons other than such as are Commissionated by the True & Absolute Lords Proprietors of Carolina shall execute all or any the Offices of Profit or Trust within this Government till he has given Bond with sufficient Security within this Government for the faithful discharge of his Office which shall be taken payable to the Lords Props. their Heirs, Successors or Assigns & shall be entered upon record in the Council Book & the Original lodged in the Secretary's Office for the time being.

IV. And Be It Further Enacted by the Authority afores'd that whosoever shall after the Ratification of this Act execute any Office or place of Profit or Trust within this Government contrary to the true Intent & meaning of this Act or without having first taken & subscribed the several Oaths which by the Laws & Statutes of the Kingdom of Great Britain are & ought to be taken by all persons qualifying themselves for Post of Profit & Trust within the said Kingdom shall forfeit & Pay Twenty pounds current money of this Province for each Month he shall so execute the same, to be recovered by Bill, Complaint, or Information, in any Court of Record within this Government one half to the Informer & the other half to the Vestry for the use of the Precinct or Parish where such default shall happen to be wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

V. Provided allways that this Act shall not be construed, adjudged & taken to debar & hinder any Officer or Officers lawfully possessed of his Office & otherwise qualified so to do from constituting one or more Deputies as the nature of the Office may require; Anything herein before to the contrary Notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. WRIGHT.

CHAPTER XIII.

(Repealed by Act 4 April, 1741.)

An Act to Appoint Constables.

I. Whereas the regular appointing of Constables within the province is a matter of considerable consequence not only for the speedy & due performance of the several trusts reposed in them by the Acts of the General Assembly of this province but also for the more effectually preserving the King's peace & the better executing of all laws & Statutes made in order thereto.

II. Be It Enacted by His Excellency the Pallatine & the Rest of the

True & Absolute Lords Propriets. of Carolina by & with the advice & consent of this present General Assembly now met at Little River for the No. East part of the said Province & the Authority of the same.

III. And It Is Hereby Enacted that the Justices of the Several Precinct Courts which now are or hereafter shall be Commissionated & Appointed within this Province shall yearly, & every year, at the next Court following after the first day of January make choice of so many discreet men of the same precinct to be Constables for the year Ensuing as they shall think necessary according to the bigness of the precinct: to which said constables so nominated & Appointed shall be administered all the necessary Oaths for the Qualification of Publick Offices together with the Oath next following, viz. You shall swear that you will keep the Peace of our Sovereign Lord the King well & loyally to your power, & that you will arrest all those that make Contest, Riott, Strife or Affray in breaking of the said peace; that you will faithfully & without delay Do & Execute all lawful Precepts to you directed, & to the best of your Knowledge demean yourself as by the Laws & Statutes of the Kingdom of Great Britain & the Acts of Assembly of this Province you shall be required.

IV. And Be It Further Enacted by the Authority Aforesaid that each & every Constable so nominated, elected & sworn, shall be & he is Hereby invested with all such Power, authority & immunities as to the same officer within the Kingdom of Great Britain does of right belong or appertain.

V. And Be It Further Enacted that upon the Death or Removal of any Constable out of the precinct where he was so nominated & appointed the said Justices or any two of them may elect & swear another new one to continue till the next Court after such death or removal, at which Court the said Justices are hereby required & directed to make choice of another or continue him that was so before appointed.

EDW'D MOSELEY
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. WRIGHT.

CHAPTER XIV.

(Repealed by Act 5 Dec., 1746.)

An Act relating to the Justices Court of Pleas, & to prevent the Commissioners & other Inferior Officers of the said Courts pleading as Attorneys.

I. It Enacted by His Excellency the Pallatine & Lords Proprietors of Carolina by & with the advice & consent of this present General Assembly now met at Little River for the No. part of the said province.

II. And It is Hereby Enacted that from henceforward there shall not be at one time more than one of the Lords Proprietors Deputies Commissionated to sitt as Judge or Justice in the General Court nor more than one of the said Deputies or Justices of the General Court commissionated to sitt or Act in any of the Precinct courts of this Government.

III. And Be It Further Enacted by the Authority aforesaid that no Commisrs, Sheriffs, Under-Sheriffs or Clerks of any Court within this Colony shall be permitted to plead as an Attorney in the Court where he officiates under pain of being fined the sum of Ten pounds—one half to the informer

& the other half to the use of the Publick (except it be in his or their own Cause or as Genl. Attorney, for persons out of the Government.

III. And Provided Also that this Act nor any thing therein contained shall not be construed or Adjudged to prevent or hinder any one of the Commrs. of any Court being assigned by the Court to plead the cause of any person hereafter to be admitted to sue in *forma pauperis*—such Commr, or Comrs. not giving judgment in the said cause, any thing herein before contained to the Contrary Notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRANCIS FOSTER,
T. KNIGHT.

CHAPTER XV.

(Repealed by Act 5 Dec., 1746.)

An Act Ascertainning the Time & Method for the Executing & Return of Original Writts & For the Better Regulating divers proceedings in the Court of Pleas.

I. Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Proprietors of Carolina by & with the advice & consent of the Genl. Assembly now met at Little River for the No. East part of the s'd prov.

II. And It Is Hereby Enacted that the Provost Marshall or His Deputy of any County or precinct within this Governt. shall on receipt of any Original Writt or Other Legal Process to him directed, make immediate service & Execution thereof upon the body of the Defendt, wherever to be found within his Liberty & at the time of Executing such Writt or Process shall take Bond with two good & sufficient securities for double the value for which the party shall be held in arrest: And that the Defendt. shall make his appearance at the next Court ensuing the Executing of such Process, & shall then & there make answer to the Pltfs Declaration & abide by the judgment of the Court thereon & not depart the Court without License.

III. And Be It Further Enacted that if the Defendt. make Default in not appearing according to the purport of the said Writ or Process; Judgment shall then pass against the Securitys for the Thing in Suit with Stay of Execution till the next Court: And in case the said Marshall shall neglect taking such security, or shall not return the Bond so taken, or shall take Insolvent Securitys, then & in such case the Pltf. shall be at his choice either to have an Order against the Marshall with Stay also of Execution till next Court or an Attachment against the Defdts. estate as before is granted against the Securitys (if taken) & in default of Appearance the next Court the first Judgment or Order shall be affirmed.

IV. And Be it Further Enacted that in all such cases as the Pltf. shall make choice of an Order against the Marshall the said Marshall shall upon Motion have an Attachment against the Estate of the Party Not Appearing & Judgment thereupon for all Damages & Cost which shall any wayes Accrue to him by Virtue of the said Orders being Confirmed against him & also the sum of Four Shillings and Two Pence as a Fee for the said Order

being granted against him which said fee shall be hereby charged to the Defdt. & not the Pltf as formerly.

V. Provided always & it is the true Intent & Meaning of this Act that no Judgment shall be affirmed either against the Securities taken or against the Marshall or Against the Defdt. upon Non Appearance after Attachmt. returned until the party Pltf. (if in Action by Bill, Bond conditioned for payment of Money or Book-debts or such like wherein no imparlance at any time hereafter shall be granted without special reasons to be admitted of by the Court) shall by his own Oath or the Oaths of other Evidences make sufficient proofs of the said debt, & if in any other action than a Writt of Inquiry shall be awarded returnable to the first day of the next Court which Writt so returned shall be executed in open Court & Judgment thereupon given for what shall thereby be found in Damages & for Cost to be then taxed by the Court.

VI. And Be It Further Enacted that if the Marshall or Deputy shall neglect of executing of any Writt or Writts Issuing out of the General Court which shall be delivered to him Twenty days before the Court's sitting & likewise all & every Writt & Writts issuing out of the Precinct Court which shall be delivered Ten dayes before the said Court's sitting that then the said Marshall or his Deputy to whom the same shall be delivered shall for every such Neglect at the Motion of the Pltf. proving such delivery be Amerced to pay to the party grieved all such Cost as have Accrued to Him by the taking out of such Writt or Process unless the said Marshall or Deputy shall give such sufficient reasons to the Court for such his neglect as thereby the said Court shall approve such Amerciament to be unreasonable.

VII. And Be It Further Enacted by the Authority aforesd that if any person shall abscond or withdraw himself to prevent the executing of any Writt or Process upon his Body in manner as it is before directed by this Act that then it shall & may be lawfull & the said Provost Marshall or his Deputy is & are hereby required & directed to repaire to the House or place of the Deputy's abode & there to leave a true copy of the Writt & Declaration attested by himself with any person of the same family which Writt so served & returned shall be adjudged & taken to be a Lawfull arrest & in case the party so arrested shall not appear & Answer at the next Court Attachment shall be awarded against his Estate & in default of appearance at the second to Replevin the Attachment then such proceeding may be had thereon as are before in this Act described.

VIII.* And Be It Further Enacted by the Authority aforesd. that upon suspicion of any person's Intention to remove out of the Country where he dwells in order to conceal or withdraw himself out of the Country any Justice of Peace may at the prayer of any party Pltf. Issue out an Attachment against so much of the Defts. Estate as by the claim made shall appear to be due to any Creditor replevable upon security given; which Attachment when executed shall be returned by the Officer executing the same to the Court whereof the said Justice is a Member which Return shall be the leading process of that Action. Provided always that the said Provost Marshall, nor his Deputy, nor any person or persons whatsoever shall serve or execute, or cause to be executed or served, any Writt, Process, Warrant, Order, Execution or Decree, (except in cases of Treason, Felony,, or Breach of the Peace) upon the Sabbath Day, the 30th of January & the 22nd day of September nor at the dayes of Genl. Muster or Election of Burgesses nor at any Court within this Government, during the sitting of the Court, nor the day the next preceding the Opening of the Court, or the day following its

conclusion unless it be on the Bodys of such persons as have no business at all which may require their attendance at that Court and the person or persons so serving or Executing the same shall be Liable to the Suit of the Party Grieved & to Answer Damages to him for so doing as if he had done the same without any Writt, Warrt., Order Execution or Decree at all.

IX. And Provided Also that all Writts & Process issuing out of the Genl. Courts shall be Executed within Ten Days before the sitting of the court to which such Writts are Returnable and all Writts Issuing out of the Precinct Courts be Executed at least Five dayes before the Courts Sitting & Declarations delivered thereupon, otherwise such Process & service to be Void & the Action or Actions to be Dismissed with Costs.

X. And Be It Further Enacted by the Authority aforesd. that in all cases where the Pltf. shall be Non-Suite or where a Verdict shall pass for the Debt, the Pltf. except he sue as Executor or Adminr. shall pay to the Defdt. if the suit was in the Genl. Court Eight Shillings & Four Pence & if in the Precinct court Four shillings & Two pence besides all other Cost & shall be Barred all other Action or proceeding in that Case untill the same be paid.

CHAPTER XVI.

An Act to Direct the Method to be observed in the Examination & Commitment of Criminals.

I. Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of Carolina—by & with the advice & consent of this present Genl. Assembly now met at Little River for the No. east part of the said province.

II. And Be It Hereby Enacted that from henceforward no person within this province shall be committed to prison for any Criminal Matter until Examination thereof be first had before some Magistrate, which Magistrate before he shall sign a Mittimus or shall admit the party to Baile (if Bailable) shall record the Examination of the Party & also the full matter given in evidence both against and for him with all concurring circumstances & shall take recognizance with good Sufficient Security to our Sovereign Lord the King for the Informer to appear & prosecute as the Laws of the Kingdom of Gt. Britain do direct & Likewise for all evidences for the King to appear & give evidence against the Criminal at the next General Court ensuing such Commitment, which Examination & Recognizances so taken shall be returned to the Office of the Court wherein the Matter is Issuable under the Penalty of Five Pounds for every Neglect; one half to the Lords Props. & the other half to him or them that shall sue for the same to be recovered in any Court within this Government by action of Debt, Bill or Information wherein no essoign protection, Injunction or Wager of Law shall be allowed or admitted of.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT,

CHAPTER XVII.

(Repealed by Act 5 Dec., 1746.)

An Act Concerning Evidences.

I. Whereas Divers inconveniences accrue to the Inhabitants of this Government for want of a due & regular method in compelling witnesses to attend & give their Evidences at the Court or Courts & at the time or times they are legally summoned to appear:

II. Be It Therefore Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of the Genl. Assembly now met at Little River for the No. East part of said province, that all persons legally summoned to give evidence shall be allowed for the coming to & going from the Court whereto they were summoned Twenty Pence per Diem (for the number of those days to be reasonably Adjudged of by the Judges of the said court) & for the time they shall attend these until they have given their evidence Two Shillings & Six pence pr. Diem for payment of which said several allowances Judgment shall be given by the Judges of the said Court against the party on whose behalf they were summoned upon Motion made to the said court for the same. And that the charge of suit may not be increased by more Evidences than are needfull there shall not be allowed in a Bill of Costs more than three Witnesses to one Action unless for several matters Incident thereto which severally may require the attestation of two witnesses.

III. And Be It Further Enacted that if any Marshall or his Deputy shall come to any person's Dwelling-House or place of most usual Residence & Abode within this Govnmt. lawfully to summon him, them or any of them thereto belonging or Residing to give evidence in any Court in this Governmt. & not finding the persons at home shall at their respective Dwelling-House or place of Residence as aforesaid at least Tenn dayes before the sitting of the Court leave a true copy of the summons with any person of the Family It shall stand good in Law & the person thereby bound to appear: Provided the Officer shall declare upon his Oath his Lawfull proceedings therein.

IV. And Be It Further Enacted by the Authority aforesaid that all Subpoenas for summoning of Evidence shall have the Penalty of One Hundred Pounds for the Evidence's Non-Appearance inserted in the Same which Penalty shall be to make good all such Damages as shall be Adjudged by the Court to accrue therefrom to be immediately granted without other process by Execution & paid to the Party to whom such evidence was summoned: Provided such evidence do not within Thirty days after Sitting of the Court whereto he was Summoned give sufficient reason upon Oath to the First in Commission of the Court for such his non-appearance at Court. And Further that if any Witness being duly summoned as afores'd to give Evidence in any Cause shall refuse to declare it on Oath He or She shall be committed to the Custody of the Marshall or Dep. & here remain till such time as He or She will & shall declare it upon Oath.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XVIII.

(Repealed by Act. 5 Dec., 1746.)

An Act for the Relief of such Creditors whose Debtors having Lands in this Government depart without leaving Personal Estate sufficient to pay their Debts.

I. Whereas divers persons possessed of Estates in Lands in this Governmt. having contracted Debts depart without leaving Personal Estate sufficient to discharge the same & there not being suitable provision made whereby the Lands may be subject to satisfy such creditors; for remedying whereof & that such Lands may not lye unoccupied & the Country unsettled:

II. Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of the province of Carolina by & with the Advice & Consent of this present Genl. Assembly now met at Little River for the No. East part of the Province & by the Authority of the Same.

III. And It Is Hereby Enacted that in all such cases where any Creditor shall take out any process against any Fugitive Debtor & upon a "*non est inventus*" returned, on the same process as Attachment shall be granted the next Court & a "*Nulla Bona*" returned thereon for want of Personal Estate. Upon that Return the Creditor shall proceed to prove his Debt upon Oath. Upon which Proofs so made before the Court & if the Debt shall Exceed the sum of Five Pounds the Court shall Proceed to give Judgment & Execution for the Debt with Costs of Suits & Damages.

IV. And Be It Further Enacted by the Authority afores'd that if the Marshall or his Dept. shall return "*Nulla Bona*" upon the Execution the Court shall nominate Six Freeholders who on their Oath shall value the Lands or Plantations of such Debtors or so much thereof as shall satisfy the debts with costs of Suit & Damages, & upon Return of such their Appraisment the Court shall order the same to the Creditor at that rate in Fee Simple which Order shall be a Good & Sufficient Title to the Creditor & his Heirs & Assigns against the Debtor & his Heirs, Any sale of such lands made in foreign parts, Act, Law, Usage or Custom to the Contrary thereof in any wise notwithstanding.

EDWD MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XIX.

An Act concerning Escapes of Persons under Execution.

I. Whereas divers persons under Execution are often times suffered to go at large by the Provost Marshall of the Several Countys within this Government sometimes by Mainprize or by Baile & sometimes without—with an Attendant under pretence of a keeper & to travell into the Countys Abroad about their Merchandizes & other their business without their assent at whose Suite they be in Execution & without any other agreement thereof made whereby the Law is rendered Ineffectual & the Subject deprived of his coming to his right & Recovery against such Prisoners to the great Mischief & undoing of many people.

II. Be It Therefore Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Proprs. of Carolina by & with the Advice & Consent of this Present General Assembly now met at Little River for the No. East part of said province.

III. And It Is Hereby Enacted that Prisoners under Execution shall be confined to the Provost Marshall's house which is hereby declared to be the County prison until sufficient Gaols are built & prepared & that from henceforward no Prisoner there being under Execution as afores'd, shall be permitted to go out of such prison further than the Limits of his fenced lands by Mainprize, Baile or with a Keeper or any other pretence whatsoever without Satisfaction first made to the party Pltf. of that whereof the Prisoner was Adjudged unless by Writt or other Commandment of the court or special Leave or Licence from the Party Pltf.

IV. And Be It Further Enacted that if any Provost Marshall or his Deputy shall from henceforwards suffer or permit such prisoner to go out at large contrary to the true Intent & meaning of this Act the Party Pltf. shall have their remedy against the same Marshall.

V. Provided Allwayes & It Is Hereby Enacted that if any Prisoner as afores'd before such sufficient Gaols are built & prepared shall make his escape from the Marshall's house & such Marshall who is hereby Impowered so to do, shall pursue such prisoner with Hue & Cry to the utmost bounds of the Government & on Recovery of him shall secure him in Irons. Or if it shall be found that such Prisoner hath actually escaped the Governmt. the said Marshall shall forthwith take out a "*Fieri Facias*" without any leading proceedings against the Estate of the Prisoner so escaping & the same shall Execute in behalf of the Pltf. if any Estate can be found that then & in such case the said Marshall shall be Adjudged to have done his duty therein & shall be Acquitted from any Action or Actions accruing to the Pltf. by virtue of this Act.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XX.

An Act to direct the disposal of Goods upon Execution & for the better Regulation of Distresses hereby to be made for Levys & Quit-rents.

I. Be It Enacted by His Excellency the Palatine & the Rest of the True & Absolute Lords Proprs. of Carolina by & with the advice & consent of this present Genl. Assembly now met at Little River for the No. East part of said province & the Authority thereof.

II. And It Is Hereby Enacted that in all cases whatsoever where any Goods & Chattels shall be taken upon Execution Granted or hereafter to be Granted out of any Court or by Distress for Taxes & Quitt-Rents the same shall remain in Custody of the Provost Marshall or his Deputy Constable or such other persons levying or making Execution or Distress for & dureing the space of Ten dayes at the termination of which time (if they are not before redeemed by the person from whom they were taken) they shall be appraised by Four Substantial Freeholders of the County; two to be chosen

by the Party from whom they were taken & the other two by the Party that is to be possessed of the same & in case it happen that both or either Party or Partys shall not make such choice as above said then the said Marshall or his Deputy Constable or other person Levying or Making such Execution or Distress shall make choice in behalfe of him, her or them which shall so neglect to make choice & if the Appraisers so nominated & appointed (being first sworn before some Magistrate) cannot agree in their Appraisment. Then the said Appraisors or any three of them shall & they are hereby Impowered & Required to choose an Umpire who (also being sworn as aforesaid) shall Determine the Matter. And the property of such Goods so Appraised shall forthwith be in & for the Party for whom they were taken he or they returning the Overplus (if any be) to the Person whose Goods or Effects shall be so taken in Execution or Distrained upon & Appraised after the original debt with all accruing Costs are satisfied & payed out of the same.

III. Provided allwayes that in cases where the sum taken by Execution or Distress shall not exceed Fifty Shillings there shall be only Two Appraisers to be equally elected & nominated as afores'd.

IV. And Be It Further Enacted by the Authority afores'd that the Provost Marshall or his Deputy after Execution Levied shall make Return of the Execution to the Court that granted it, there to be entered upon Record that so the Satisfaction as well as the Judgment may be Apperently proved if need require.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXI.

(Repealed by His Majesty's Order in Council.)

An Act concerning Attorneys from Foreign Parts & for giving Priority to Country Debts.

I. Forasmuch as the Relieving & Remedying such persons as shall be Impleaded in Vexatious Actions by Virtue of Foreign procurements & the preferring & paying Country debts before others must necessarily be of great Use & Benefit to the Inhabitants here.

II. Be It Therefore Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of this present Genl. Assembly now Met At Little River for the No. East part of the said Province.

III. And It Is Hereby Enacted that no Attorney shall by Virtue of any power out of any of his Magisty of Great Britains Dominions or from any other place be allowed or admitted to implead or prosecute any Action or Actions for debts contracted in Foreign parts against any of the Inhabitants of this Country until such Attorney has first entered into Bond in the Penal sum of Twenty Pounds with good & sufficient Securitys payable to the Chief Judge or President of the Court in which such suit or suites shall be commenced & to his Heirs, & Successors or Assoigns for the payment of all such Cost & Damages as the Court shall award Which said Bond & Security

the Clerke of that Court whereout the first process Issued is hereby strictly required & commanded before the Issuing out of such Process to demand & take & the same to produce in Court at the Tryal otherwise, & in case of his Default or neglect of taking the aforesaid Bond & Security And Judgment be given for the Dfdt. then the said Court without any leading process shall order Judgment to be immediately Entered against the said clerke & Execution taken thereupon for all such Costs & Damages as the Court shall adjudge to the said Defdt.

IV. And Be It Further Enacted by the Authority aforesaid that if any Foreign debts of what kind soever shall be sued for as aforesaid or otherwise in any Court of Record in this Government & Judgment obtained thereupon; Yet neither Pltf. in such Action nor his Attorney nor any other person for him shall have Execution granted out on such Judgment untill all Actions & Suits then depending in any of the said Courts against the same Defdt. or Defdts. at the suit of any of the Inhabitants of this Colony shall be Determined, Paid & Satisfied or Otherways Discharged within such reasonable Time or Times as the Court that shall have the last Determination thereof shall think fitt to order And also untill all other debts that shall within Six Months after the said Judgment Granted be Legally made appear to be actually due from the said Deft. or Defts. to any of the Inhabitants of this Colony at the time of such Foreigners commencing his suite & shall be likewise Discharged, Paid & Satisfyed according to the Clause above said And in case of any longer neglect or delay than the time to be prescribed by the Court as aforesaid or the said Six Months in any of the afores'd premises be made by the said Inhabitants Pltf. or Pltfs. Creditor or Creditors; Then it shall & may be lawfull for the said Foreigner his Agent or Attorney to take out Execution on the said Judgment & the same to be Executed accordingly: Any cause matter or thing in this or any other Act or Acts contained to the contrary thereof to the contrary notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXII.

(Repealed by Act 5 Dec., 1745, except sections 9 & 10.)

An Act concerning Appeals & Writts of Error.

I. Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of the Province of Carolina by & with the Advice & Consent of this present General Assembly now met at Little River for the No. East part of the said Province & by the Authority of the same.

II. It Is Hereby Enacted that from & after the Ratification of this Act where any person or persons either Pltf. or Dfdt. in any Inferior Court of this Governmt. shall give Security in the same Court for prosecuting an Appeal from the Sentence of Judgment passed against him or them, such Court shall not proceed to grant Execution but shall stop all further proceedings in the said court till the same be determined in the Superior Court to which Court both Parties are to give their attendance without any other notice or process.

III. And Be It Further Enacted by the Authority afores'd that upon such security given either by the Pltf. or Defdt. for prosecuting Appeals from any Inferior Court the Justices of the Court shall immediately cause the Clerke to transcribe the whole proceedings of the same Court relateing to the Cause & certifie the same to the Court where the Appeal is to be tried under the Penalty of Fifty Pounds to be paid by the Justices & the sum of Five pounds to be paid by the Clerke if he shall neglect to do his duty one half to the Church wardens & Vestry for the use of the Parish & the other Halfe to the Party injured: And if upon tryall of the same Appeals the Appellant shall not appear Or if after Appearance the Judgment of the Inferior Court shall be Confirmed the Party Appellant shall pay to the Party Injured Five per Cent over & above the Original Judgment & costs for such his Vexation.

IV. And be It Further Enacted by the Authority afores'd that where any person or persons shall sue out a Writt of Errour from the General Court to reverse any Judgment passed in any of the Inferior Courts of this Government the Party Desueing such Writt of Errour shall give security for prosecuting the suit with effect before the same is granted & shall File Errours Thirty dayes before the sitting of the Genl. Court.

V. And Be It Further Enacted by the Authority afors'd that the Defdt. to any suit commenced by Writt of Errour shall not be compelled to appear & Answer the next Court after he is served with the Writt unless such service was made at least fifteen dayes before the sitting of the Court but shall have Liberty till the next Court following. And if the Defdt. to any Appeal or Writt of Error shall faile to make his appearance after he has had fifteen dayes notice by service of the Writt the former suit or Judgment upon which such Appeal or Error is brought shall be Quashed on the Motion of the Party Appearing & requesting the same.

VI. And Be It Further Enacted by the Authority afors'd That upon any Judgment given or to be given in the Genl. Court if either Party shall think the proceedings are erroneous the Court (upon Motion) shall order a day the Court next following for hearing such errors & shall give notice of the same to both Parties.

VII. And Be It Further Enacted by the Authority afors'd that where any Judgmt. shall be given in any Court of this Government it may happen that the Marshall cannot make Execution of the Judgment within the Jurisdiction of that Court where the Judgment was given, Upon a Return of such Judgment to the Genl. Court Execution shall be granted thereon by the Genl. Court to be Executed in any part of the Government.

VIII. And Be It Further Enacted by the Authority afors'd that upon any Appeale or Writt of Error or upon any Motion in Arrest of Judgment No advantage or Exception shall be taken of or for any Imperfection, Omission or Defect but such as are especially & particularly set down as Error but the court shall give Judgment according to the very Right of the Cause.

IX. Provided that the Attorney for the Pltf. in any Action or suit shall file his Warrant of Attorney with the Clerke of the Court where the Cause is depending the Court after the Declaration is filed & the Attorney for the Deft. shall file his Warrant the same term he appears under the Penalty of Fifty Shillings.

X. And Be It Further Enacted by the Authority afors'd that in case any suit or Matter shall arise in the court of Chancery where the Governor or commander in Chief of this Govermt. for the time being may be a Party or Interested therein, It shall & may be lawfull for any Four of the Members

of that Court to sitt & Act therein as tho' the said Governor or Commander were present & not any wayes Interested or a Party therein.

XI. And Be It Further Enacted by the Authority afors'd that from & after the Ratification of this Act every member of the Council or Lords Props. Deputys shall upon his entering into that Office & before he Presume to give his opinion or determination in any cause that shall come before him take an Oath that he will do right to all manner of persons according to the best of his Judgment & understanding of the Laws & Usages of the Kingdom of Gt. Britain under the Penalty and Forfeiture of One Hundred Pounds for every Month he shall neglect or refuse to take the same: One half to the Lords Proprietors the other halfe to him or them that shall sue for the same to be Recovered by Action of Debt, Bill, Plaint or Information in any Court of Record in this Governmt. wherein no Essign, Injunction, Protection or Wager shall be allowed or Admitted. And whereas for want of a sufficient number of justices meeting on the last Tuesday in October last the Commission for holding the Genl. Court is become Void & unless provision be made for continuance of such suits & Actions as were Returnable to that Court divers persons may be very much injured.

XII. Be It Therefore Enacted by the Authority afors'd that all suits & Actions whatsoever which were depending in & Returnable to the Genl. Court which was to be held the last Tuesday in October the same shall be continued till the next Genl. Court to be held the last Tuesday in March next; And all persons whatsoever concerned in any suits or Actions are hereby required to give their Attendance at the next Genl. Court any failing in the s'd Justices of the Genl. Court not meeting on the last Tuesday in Oct. last or any other defect in the said Commission notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXIII.

(Repealed by Act 6 Mar., 1738, chap. 6.)

An Act to prevent the Inhabitants of Bath County bringing Actions in the Genl. Court Against One another for less than Ten Pounds.

I. Whereas to the great prejudice & utter impovishing of divers people Inhabitants of the County of Bath by means of the remoteness of their habitations very many Actions have been sued & prosecuted in the Genl. court of this Province for Matters Cognizable in the Precinct Courts thereby persons Pltf. Inhabitants of & residing within the said County whose particular Business has required their presence at the Genl. Court & consequently Their Attendance no detriment or hindrance to their private affairs, for prevention of the like malicious & unreasonable practice for the future.

II. Be It Enacted by his Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of this present Genl. Assembly now met at Little River for the No. East part of said Province & the Authority of the same.

III. And It Is Hereby Enacted that no Original Action shall be admitted to be Entered, Sued or Prosecuted by any person or persons whatsoever In-

habiting or Residing in the afors'd County of Bath against any Party or Partys Defts. Inhabitants likewise within the said County in the Genl. Court of this province for any sum or sums of money less than Tenn Pounds: But all & every such Action & Actions shall be Issuable, Tryable & Determinable in some one of the Precinct Courts within the said County of Bath & in no other Court of Pleas whatsoever. Provided allwayes that this Act nor any thing therein contained shall be construed, adjudged & taken to debarr any person or persons Pltfs. or Defts. of their Right of Appeal from the Judgment or Order of any of the Precinct Courts aforementioned either to the Court of Chancery or Genl. court any thing before in this Act to the Contrary notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXIV.

(Repealed by Act 4 April, 1741, ch. 15.)

An Act for the Tryal of Small & Mean Causes.

I. Whereas the Charges in the Genl. Precinct Courts of this Governmt. in many Actions of small value do very often surmount the demand of the Pltfs. to the very great damage of the Partys.

II. Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of the Province of Carolina by & with the Advice & Consent of the rest of the Members of this Genl. Assembly now met at Little River for the No. East part of the said province.

III. And It Is Hereby Enacted by the Authority of the same that any two or more Justices of Peace, whereof one shall be of the Quorum, are hereby Impowered by their warrant under their hands & Seal directed to some one of the constables, in all actions of debt or other Demands whatsoever for any sum or matter to the value of Forty Shillings or under (which Actions are Hereby made Issuable, Tryable & Determinable only before two justices of the Peace, whereof one shall be of the Quorum as afors'd, and in no Court of Pleas or Judicature whatsoever) cause to be apprehended & brought before them any person or persons which have & do refuse or neglect to pay any Creditor complaining of his or their debt or debts or demands afors'd with all witnesses which are required by either Pltf. or Deft. for the better Froof Clearing & Opening the Actions afors'd & after both Partys with witnesses if any be required before them are come to Examine, Hear, Trye, Adjudge & finally Determine all Complaint & Action of Debts or Demands as afors'd before them brot. And the said Justices are hereby Impowered in case Witnesses or other Reasonable or sufficient Proof are not & cannot be produced to prove any debt Matter or thing which shall or may be brought before them as afors'd to take the Party or Partys Oath or Oaths complaining touching all matters that shall be in dispute which Oaths shall be first proposed or given to the Dft. or Dfts. & upon his or their refusal to take an Oath & answering to such questions as shall be demanded by the s'd Justices relating to the s'd cause then the Justices shall have power to examine the

Pltf. or Pltfs. on his or their Oaths & Adjudge & Determine all matters afors'd according to Justice & Equity: And after Determination, Execution upon the Goods & Chattels of the Dft. to the full value of the debt due & the Costs and Charges hereafter in this Act provided to be paid to cause to be Levied & for want of Goods & Chattels the Bodys of the Deft. or Defts. to the common gaol to Committ until he or they shall pay his or their debts as afors'd according to the practice of the Court of Pleas.

IV. And It Is Hereby Enacted that all & every Constable or Constables shall cause all Goods & Chattels taken in Execution by Virtue of this Act to be kept in safe Custody Three dayes after they be taken in Execution & the Owner or Owners of all such Goods shall have Three dayes time to satisfy the said Debt & Costs: And upon delay or denial then all such Goods taken in Execution as afors'd to be Appraised by Two or more of the Neighboring Freeholders upon Oath & the Overplus (if any be) to be refunded to the owner.

V. And It Is Hereby Enacted that all Original Warrants granted by Virtue of this Act shall have Incerted & plainly signified the name or names of the Pltf. or Pltfs, the Debt demanded & whether by Bill Accompt Assumpsit or otherwise due.

VI. And Be It Further Enacted that the said Justices or their Clerke shall for each Warrt. receive Fifteen Pence & that every Constable for every Original Warrt. Executed shall be allowed Fifteen Pence & for every Subpoena Seven Pence half penny, for every Execution Fifteen pence & that all possible means may be used for the paymt. of the Pltf. or Pltfs. after Execution obtained against the Body of the Dfdt. or Dfts.

VII. It Is Hereby Enacted that the Justices have power & they're hereby Impowered in such cases where they shall judge the Dfdt. not worth the debt recovered as afors'd, Then & not otherwise by & with the consent of the Dfdt. or Dfts. him or them to hire to labour at so much per diem as either the Pltf. or any person will allow untill the whole debt by the produce thereof be paid which produce the Justices are hereby required to cause to be employed to no other use but paying of debts as afors'd.

VIII. And Be It Further Enacted by the Authority afors'd and it is the true Intent & Meaning of this Act that any persons who remain indebted by any Bond, Bill, Specialty, Acct., Contract, Agreement, Assumpsit or otherwise howsoever to the sum of forty Shillings or under shall only be sued & Tried before Justices of the Peace in Manner & form afors'd, as if the Original Debt or Demand had been under the same sum of Forty Shillings. And Be It Further Enacted that every person which shall bring any Action or Suit within any Court within this Part of this Province for more than Forty Shillings & thereupon shall have Verdict for less than Forty Shillings shall lose his Cost of Suite Except in Actions of Trespass & Actions of Defamation.

IX. And Be It Further Enacted by the Authority afors'd that for the more speedy doing of Justice where the Debt or Demand shall be under Twenty Shillings any one of the Justices of the Peace shall have full power & Authority to Heare, Trye & Determine all such causes in such manner & form as is before in this Act provided for Two Justices where the Debt or Demand shall amount to the sum of Forty Shillings. And all Constables to whom either Original Warrant, Subpoena, Summons for Witnesses or Execution upon Goods or Chattels or the Body of the Dfdt. or Dfts. as afors'd are directed by any one or more of the Justices of Peace are hereby Impowered

& Commanded to give due obedience in the Execution thereof according to the true intent & meaning of this Act.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
FRAN. FOSTER,
C. GALE,
T. KNIGHT.

CHAPTER XXV.

(Repealed by Act 4 April, 1740, ch. 12.)

An Act for the better Regulating The Militia of this Government.

I. Whereas the safety of this as well as all other well-governed Colonys greatly depends upon the well-regulating the Militia thereof; Wherefore Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of the present Genl. Assembly now met at Little River for the No. East part of the said Province & by the Authority of the same.

II. And It Is Hereby Enacted that from henceforward the Militia of this Governmt. shall consist of all the Freemen within the same between the years of Sixteen years & Sixty & the several Captains now Appointed & Commissionated or hereafter to be appointed & Commissionated shall within Two months after publication of this Act take a List of the names of all such Freemen within their Districts of which their several Companies shall consist & return one copy thereof to the Governor or Commander in Chief & another copy thereof to the Colonel of the Regiment under the Penalty of Five Pounds to be Levied by a Warrt. from the Governor or Commander in Chief to be directed to the Provost Marshall to Execute.

III. And Be It Further Enacted that when such List are taken as afores'd. the said Captain shall once every year from henceforward Viz. in the month of October regulate their said Lists of their several Companies by taking new ones & returning coppies thereof as before directed under the like penalty of Five Pounds to be levied as before directed.

IV. And Be It Further Enacted by the Authority afores'd. that any person after having been so Enlisted as afores'd. who shall at any time hereafter (without sufficient cause to be allowed of by his Commanding Officer) fail or refuse on notice given to appear at such time or places as shall from time to time be appointed by the Governor or Commander in Chief for the time being for that purpose there to be mustered, Trained & Exercised in Arms or that shall not at such times and places be well provided with a good Gun well-fixed Sword & at least Six Charges of Powder & Ball shall forfeit & pay for his non-appearance the sum of Five Shillings & for want of any Due accoutrements two Shillings & Six pence to be levied by a warrt. from the Capt. of the Company directed to the Serjeant of the Company.

V. Provided allways that no Minister of the Church of England, no Practicing Physitian or Chirurgion nor any person bearing the Office of Lords Proprietors, Deputy, Secretary, Attorney, Members of General Assembly, Clerke, Marshall, Constable or Justice of the Peace (except they are Military Officers) or that hath borne the Office of Lords Proprietors, Deputy, Secretary, Attorney General, Provost Marshall, Justice of the Peace or Capt.

of a Company shall be obliged to Enlist themselves or attend at such Musters as afores'd.

VI. And Forasmuch as this Governmt. hath of a long time laboured under a tedious War with the Heathen & which hath in a great measure been lengthened by the remissness of the People & disobedience to their officers commands.

VII. Be It Enacted by the Authority afores'd. that in case of any Invasion or Expedition to be raised & carried on against the Indian enemy it shall & may be lawful for the Governor or Commander in Chief to Raise all or so many of the Forces of this Governmt. as he shall think necessary for the suppressing the same and any person whatsoever that shall refuse or neglect, on summons, to appeare at such place or places as shall be appointed by his Capt. or other Officer by his command with well-fixt Armes & at least one quarter of a pound of Powder & a pound of Swan or Goose Shott or Bulletts & shall refuse to march out against the Enemy where Commanded as afores'd. shall forfeit & pay for such offence the sum of Fifty Shillings to be Levied by a Warrt. from the Capt. as afores'd. And if the Capt. shall neglect or refuse to Issue out his Warrt. & do his duty afores'd he shall forfeit & pay the sum of Tenn Pounds to be Levied by a Warrt. from the Governor or Commander in Chief for the time being as afores'd in this Act is directed.

VIII. And Be It Further Enacted by the Authority afores'd that if any person shall be wounded, hurt or maimed in the Country's service & not of ability to maintain himself or pay for his Cure he or they shall be cured at the Publick Charge & have one good Negro Man-slave allowed & purchased for him for his maintenance & in the same case if any one shall be killed the Publick shall make the same provision for his Wife & family.

IX. And Be It Further Enacted by the Authority afores'd that all such persons who by this Act are exempt from Enlisting themselves or appearing at Muster as afores'd shall be ready at any time of danger to wait & attend the commands of the Governor or Commander in Chief for the time being completely provided with Arms & Ammunition on Penalty of Ten Pounds for such neglect to be levied by Warrant from the Governor or Commander in Chief as before in this Act is appointed for other times.

X. And Be It Further Enacted by the Authority afores'd that if at any time during the time of any Muster any Soldier or other shall resist his lawful Officer or refuse to obey his lawful commands or be any ways refractory or mutinous such Soldier shall be punished at the discretion of the Capt. by Tying Neck & Heels, Running the Gauntlet, Rideing the Wooden Horse or in such like manner; & in case any person, during the time of alarm or Expedition agst. the Enemy Indians shall desert his Collours or be any way mutinous or be disobedient to their Officers commands, It shall & may be lawfull for one Field Officer & Four Captains at least (if so many are in service) or for want of them Lieutenants to erect a Court Martial to be held openly & on tryal to punish offenders according to Martial Law as the nature of the Crime shall require Provided it do not extend to the taking away of life.

XI. And Be It Further Enacted by the Authority as afores'd that all moneys that shall accrue by Virtue of this Act & not herein appropriated shall when levied be accounted for & paid to the Governor or Commander in Chief for the time being to be by him employed in purchasing such necessary Ornaments as he shall think fitt & proper for the Regiment & the Overplus towards purchasing Arms & ammunition for the Publick Service & an account thereof to be laid before the Company at their next meeting.

XII. And Be It Further Enacted by the Authority afores'd that the Wages

of the Officers & Soldiers hereafter to be Employed in the Service of this Government pursuant to this Act shall be allowed & paid by the Publick Assembly after the Rates following, that is to say:

A Colonel	10 s. pr. diem.
Lieut. Col	9 " " "
Major	8 " " "
Captain	5 " " "
Aid Major	5 " " "
Lieutenant	3. 6d.
Ensign	3 " " "
Serjeant	2 " " "
Private Sent.	1. 6d.

XIII. And Be It Further Enacted by the Authority afores'd that if the Marshall shall not discover any Goods or Estate of the Delinquents whereupon to levy satisfaction for the forfeiture afores'd then the said Marshall or Serjeant shall apprehend the body of such delinquent & him bring before the Governor or Commanding Officer from which such Warrt. shall issue as afores'd who, for non-payment shall bind out such delinquent if of able body to any person that shall pay the Fine to serve so long as shall be thought equivalent to the Fine that is to say after the Rate of Five Shillings per week.

XIV. And Be It Further Enacted by the Authority afores'd that no Commanding officer of a party under Twenty men shall have & receive the pay of more than Ensign nor under the number of Forty men shall have & receive the pay of more than Lieutenant nor under the number of Sixty men more than Capt. nor under the number of more than One Hundred men more than major, nor under the number of two hundred more than Colonell.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXVI.

(Subject matter since regulated by the King's orders in Council.)

The Form of a Patent.

I. Whereas the True & Absolute Lords Proprietors of Carolina have by their Great Deed of Grant bearing date the First day of May 1668 under their hands & Greate Seale of their Province of Carolina Given & Granted unto the Inhabitants of the County of Albemarle to hold their lands according to the Terms & Tenure upon which the Inhabitants of Virginia hold theirs & have Given & Granted full power & authority to their Lords Prs. Governour for the time being to convey & grant the said lands according to the said Deed as by the same doth & may more fully & at large appear.

II. Be It Therefore Enacted by his Excellency the Pallatine & the Rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of this present Genl. Assembly now met at Little River for the No. East part of the said Province.

III. And It Is Hereby Enacted that in every Book where Patents for Land

shall be registered a true copy of the said deed shall be First Registered & that the Patents may be always agreeable to the said Deed.

IV. Be It Further Enacted that all Patents hereafter to be granted shall be in the form following & none other (Viz.) The Pallatine & the rest of the True & Absolute Lords Props, of Carolina to all persons to whome these present shall come Greeting in our Lord God Everlasting know Ye that we the said Lords & Absolute Proprietors according to our Great Deed of Grant bearing date the first day of May Anno Domini 1668 given to our County of Albemarle under our hands & Great Seale of the said Province Do hereby give & grant unto being due for the Importation of persons whose names are upon record under this Patent to have & to hold the said Land with all rights & privileges of Hunting, Hawking, Fishing, & Fowling with all Woods, Waters & Rivers with all proffitts, Comoditys & Hereditaments whatsoever to the same belonging or appearing (except one half of all Gold & Silver Mines) unto him his Heirs & Assigns forever in as large & ample manner to all intents & purposes as in & by the said Deed is Granted or intended Yielding & Paying unto us & our Heires & Successors Yearly every Twenty ninth day of September the Free-rent of One Shilling for every Fifty Acres hereby granted to be holden of us our Heires & successors in free & common Socage Provided that if the said shall not Seat or Plant or cause to be Seated or Planted thereon within three years after the date hereof then this Patent to be Void; Otherwise to stand & be in full force. Given under the Seal of the Colony the Witness, &c.

V. And to prevent disputes concerning the True Intent & Meaning of the words "Seat & Plant" in the foregoing Proviso mentioned & expressed.

VI. Be It Further Enacted that the words "Seat & Plant" in the Patent above recited & in all other Patents Granted or hereafter to be Granted by the Lords Proprietors for lands within the said County of Albemarle or within any other County, Precinct or Liberty wherein the said Clause is or shall be Inserted shall be adjudged & taken in the following sense Viz. that the Patentee shall build a habitable house & shall Clear, Fence & Plant at least one Acre of land within the time before limited.

VII. Provided always that where any person hath or hereafter shall build, clear & Tend according to the Proviso in the Patent altho' not strictly within the time limitted but before any new Patent Issue for the same such seating, clearing & Tending shall be held good & valid to all Intents & Purposes as if the same had been done within the time limitted.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXVII.

An Act concerning Old Titles of Land And for Limitations of Actions and for avoiding Suits in Law.

I. Whereas Great Suit Debate & Controversity hath heretofore been & may hereafter arise by means of Antient Titles to Land derived from Patents granted by the Governmt. of Virginia, the Condition of which Patents have

not been performed nor Quit-rents paid, or the lands have been deserted by the first Patentees or for, or by reason or means of former Entries or Patents granted in this Governmt. for prevention whereof & for quieting men's Estates & for avoiding Suits in Law.

II. Be It Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprs, of Carolina by & with the Advice & Consent of the rest of the Members of the Genl. Assembly now met at Little River for the No. East part of the s'd Province.

III. And It Is Enacted by the Authority of the same that all Possessions of or Titles to any Lands Tenements or Hereditaments whatsoever derived from any sales made either by Creditors, Executors or Administrators of any person Dec'd. or by Husbands & their Wives or Husbands in right of their Wives or by Indorsment of Patents or other wise of which the Purchaser or Possessor or any claiming under them have continued or shall continue in possession of the same for the space of seven years without any suit in Law be & are hereby ratified & confirmed & are declared Good & Legal to all Intents & Purposes whatsoever against all manner of persons any former or other Title or claim, Act, Law, Usage, or Statute to the contrary in any wise Notwithstanding.

IV. And Be It Further Enacted by the Authority afors'd that no person or persons nor their Heires which hereafter shall have any Right or Title to any Lands, Tenements or Hereditaments shall thereunto Enter or make Claim but within Seven years after his or their Right or Title which Descend or Accrue & in default thereof such person or persons so not Entering or Makeing Default shall be utterly Excluded & Disabled from any Entry or Claim thereafter to be made.

V. Provided nevertheless that if any person or persons that is or hereafter shall be entitled to any Right or Claim of Lands, Tenements or Hereditaments shall at the time of the said Right or Title first Descended Accrued Come or Fallen within the Age of Twenty One Years Femme Couvert, Non Compos mentis, Imprisoned or beyond Seas That, then such person or persons shall & may notwithstanding the said seven years be expired Commence his Suit or make his Entry as he might have done before this Act so as such person or persons shall within three years next after full Age, Discoverture, Comeing of sound Mind, Enlargement out of Prison, persons beyond Seas with Eight years after the Title or Claim becomes due take benefit & sue both the same & at no time after the times or limitations herein specified. But that all possessions held without suing such Claim as afors'd shall be a perpetual Barr against any & all manner of persons whatsoever that the Expectation of Heires may not in short time leave much land unpeopled & Tythes so perplexed that no man will know of whom to take or buy land.

VI. And Be It Further Enacted that all Actions of Trespass, Detinue, Actions sur Trover & Replevin for taking away of Goods & Chattels—all Actions of Acct. upon the Case, all Actions of Debt for Arrearages of Rent, & all Actions of Assault, Menace, Battery, Wounding & Imprisonment, or any of them which shall be sued & brought at any time after the Ratification of this Act shall be commenced or brought within the time & limitation in this Act expressed & not after—that is to say Actions of Acct. for Trespass, Debt, Detinue, or Replevin and said Actions of Trespass *quare clausam fregit* within Three years next after the Ratification of this Act or within Three years next after the cause of such Actions or Suit & not after, Except such Accounts as concern the Trade of Merchandize between Merchant & Mer-

chant, their Factor or Servants. And the said Action of Trespass, of Assault, Battery, Wounding, Imprisonment or any of them within one year next after the Ratification of this Act or within one year after the cause of such Action or Suit & not after, and the said Action upon the Case for words within Six Months after the Ratification of this Act or within Six months next after the words spoken & not after.

VII. Provided nevertheless & it is hereby further Enacted that if on any the said Actions or Suits Judgment be given for the Pltf. & the same be reversed by Error or a verdict pass for the Pltfs. and upon matters alleged in Arrest or Judgment the Judgment be given against the Pltf. that he take nothing by his Pleint, Writt, or Bill; Or if any the said Actions shall be brought by Original Writts & the Dfdt. Cannot be Attached or legally Served with Process that in all such cases the Party Pltf., his Heires, Executors, or Administrators as the case shall require may commence a new Action or suit from time to time within a year after such Judgment reversed or such Judgment given against the Pltf. or till the Defdt. can be attached or served with Process so as to compell him to appear & answer.

VIII. And Be It Further Enacted that in all Actions of Trespass *quare Clausum fregit* hereafter to be brought wherein the Defdt. or Defdts. shall disclaim in his or their Plea to make any Title or Claim to the Land in which the Trespass is by the Declaration supposed to be done & the Trespass be by negligence or involuntary the Deft. or Defdts. shall be Admitted to plead a Disclaimer & that the Trespass was by negligence or involuntary & a Tender or after of sufficient amends for such Trespass before the Action brought whereupon or upon some of them to Pltf. or Pltfs. shall be Inforced to Joyn Issue & the said Issue be found for the Defdt. or Defdts. or the Pltf. or Pltfs. shall be non-suited the Pltf. or Pltfs. shall be clearly barred from the s'd Action or Actions & all other Suits concerning the same.

IX. And Be It Further Enacted by the Authority afors'd that in all actions upon the case for slanderous words to be sued or prosecuted by any person or persons either in the General or Precinct Courts of this Governmt. after the Ratification of this Act if the Jury upon the Tryal of the Issue in such Action, Or the Jury that shall inquire of the Damages, do find or Assess the Damages under Forty Shillings then the Pltf. or Pltfs. in such Action shall have & recover only so much Costs as Damages so given or assessed shall amount unto without any further increase of the same any Law, Statute, Custome or Usage to the contrary in any wise Notwithstanding.

X. Provided nevertheless & be it further Enacted that if any person or persons that is or shall be entitled to any such Action of Trespass, Detinue, Action sur Trover, Replevin, Actions of Acct., Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding, or Imprisonment, Action on the Case for Words, be or shall be at the time of any such cause of, Action Given or accrued, fallen or come within the Term of Twenty one years, Femme Couvert, Non compos mentis, Imprisoned, or Beyond the Seas that then such person or persons shall be at liberty to bring the same Actions so as they take the same within such times as are before limited after their coming to or being of full age, Discoverd, of sound memory, at large, or returned from beyond the Seas as other persons having no such impediment might have done.

EDW'D MOSELEY,
Speaker,

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER.
T. KNIGHT.

CHAPTER XXVIII.

Femme Couvertes—How to Pass Lands.

I. Whereas the Legal way of Passing Lands where the Estate is in Femme Couverte is by Fine & Recovery & it having been formerly practicable in this Government (Fines & Recovery not being in use here) that sales have been made by the Husband with the Wife's consent & sometimes by sales from them both & acknowledged in Court the Wife being first privately Examined by the Court whether she acknowledgeth the same freely.

II. Be It Enacted by His Excellency the Pallatine & the Rest of the True & Absolute Lords Proprs. of the Province of Carolina by & with the advice & consent of the rest of the Members of the Genl. Assembly now met at Little River for the No. East part of the said Province.

III. And It Is Hereby Enacted by the Authority of the same that all such sales which have at any time heretofore been made in manner & form afores'd or which hereafter shall be made by the Husband & Wife & Acknowledged before the Chief Justice or in the Court of the Precinct where the land lyeth the Wife being privately examined whether she acknowledgeth the same freely shall be good & effectual against the Husband & Wife & their & every of their Heires & Assigns & against all other persons claiming by from or under them or any of them & that to all Intents & Purposes as if the same had been done by Fine & Recovery or by the other wayes or means whatsoever.

IV. Provided alwayes & it is hereby meant & intended that nothing in this Act contained shall be Construed or meant to give any power or Authority hereafter for cutting off Entailed Lands; Any thing herein before contained to the contrary in any wise Notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXIX.

An Act for Preventing Disputes concerning Lands already Surveyed.

I. Whereas divers Disputes do frequently arise concerning Lands already surveyed & patented to the great charge & vexation of many people holding & enjoying those Lands for prevention whereof for the future & for settling such differences as may hereafter arise.

II. Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Proprs. of the Province of Carolina by & with the advice & consent of the rest of the Members of the Genl. Assembly now met at Little River for the No. East part of the Province & by the Authority of the same.

III. It Is Hereby Enacted & declared that all Surveys already made & Patents granted within this Government by all & every preceding governor Deputy Governor or President are hereby declared to be good & valid to all Intents & Purposes whatsoever any pretended defects or insufficiency in the powers or authoritys for so doing to the contrary in any wise notwithstanding. And that Patents may & ought to be granted on all & every the afores'd Surveys for which Patents are not already Granted, those lying within the Controverted bounds only excepted.

IV. And Be It Further Enacted by the Authority afores'd that no person whatsoever shall take up any Marsh, Swamps or Sunken land but shall first give notice in Writing to the Owner of the Land Adjoining, after which notice delivered in Writing before Evidence, such person or persons shall have Six months time to resolve whether he will take up the same or no; And in case he shall not before the end of the said six months take out a Warrant to Survey such Marsh, Swamp or Sunken Lands as shall be contiguous to his own Land then the first person who gave such notice may survey & patent the same.

V. And Be It Further Enacted by the Authority afores'd that if any person shall believe that there is contained in the Survey or Patent of any person more land than the same survey or Patent mentions, then & in such case such person may employ the Surveyor Genl. or his Deputy to resurvey such land & if it shall appear that the latter survey does not exceed the former by more than Ten acres in the hundred such shall not be deemed any error nor the owners of such lands put to any charge or trouble in resurveying or Patenting the same. But the party employing the Surveyor shall pay all charges.

VI. And Be It Further Enacted by the Authority afores'd that in all cases of Difference where any Re-survey shall be made the Surveyor shall allways proceed by the Marked trees if the same can be found or by mutual bounds if any mentioned and if there be not marked trees then he shall follow the courses mentioned in the Platt or Patent so as the Intention of the Party first taking up may be observed as near as may be. And if it shall happen that in any Re-survey there shall be more land contained above the quantity mentioned besides Tenn in the Hundred before mentioned in this Act it shall be in the choice of the owner of the land to take the same paying the Surveyor his Fee, or to leave out the overplus in such part or places as he pleases & then the whole charge to be borne & paid by him that required the survey.

VII. And Be It Further Enacted by the Authority afores'd that all Surveys or Patents hereafter to be made or granted for the land or Plantation of any Deceased person the same shall be made & granted in the name of the Heirs at Law which nevertheless shall not Bar any that have Title by Dower or Curtisie or by the Will of the Deceased possessor: but that every Title or Claim shall stand good & strong in Law as they might or ought to have done if the Deceased possessor had in his life time Surveyed & taken out a Patent for the same in his own name.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXX.

An Act concerning Escheat Lands, and Escheators.

I. For the better securing and quieting her Majesty's Subjects of this Province in the Possession of their Land, We pray that it may be Enacted, And be it Enacted, by his Excellency the Palatine, and the rest of the true & absolute Lords Proprietors of Carolina, by & with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River,

for the North East part of the said Province, and it is hereby Enacted, by the Authority of the same, That if any Person is or shall be in Possession, by himself Guardian, or Tenant, of any Lands, by Purchase, Descent, or Last Will and Testament, that do or shall escheat to the Lords Proprietors, such Possessor shall be first admitted to inform and petition the Governor Deputy Governor, President, or Commander in Chief for the Time being, for a Writ of Escheat, to be directed to the Escheator General, or his Deputy, to enquire whether the said land doth escheat; and if the same shall be found, upon Inquisition duly taken, to escheat, the aforesaid Possessor, and no other Person, shall have a Patent for the same, paying after the Rate of Two Pence an Acre for the Composition thereof, and no more, be there Improvements more or less.

II. And be it Further Enacted, by the Authority aforesaid, That if any Person seized of Land in Fee simple, shall happen to die without Heir, or making any Disposition thereof by Will, whereby the said Lands do escheat to the Lords Proprietors, then they shall be granted, after the said Manner, and after the same Composition, to the Widow, or Widower, and if there be none such, then to the Father, and if there be none such, then to the mother, and if there be none such, then to the elder Brother of the half blood, and if there be none such, then to the Sister or Sisters of the half blood, and if there be none such, then to the nearest of kin to the Party deceased, and if there be no Kindred, then to any Person who, shall first inform and petition for the same.

III. Provided always, and it is further Enacted, by the Authority aforesaid, That if any Person that is or shall be in Possession of any Land in Manner aforesaid, by Descent, Purchase, or Last Will and Testament, that do or shall escheat; or any Person that shall have Right to inform and Petition for Escheat Lands in any of the before recited Cases, shall happen, through Ignorance, to omit the same; that then it shall and may be lawful for any other Person to give him Notice thereof, in the Presence of Two credible Witnesses at the least; and if he shall neglect to inform and petition for the same, in Manner aforesaid, to the Second General Court that shall happen after such Notice given, then the Person giving Notice as aforesaid, shall have the same Lands, paying the Composition as aforesaid.

IV. And to the End, that neither the Lords Proprietors, nor any of the Inhabitants of this Province may receive Damage for Want of an Escheator: Be it Enacted, by the Authority aforesaid, That as often as it shall happen that no person is appointed Escheator General by the Lords Proprietors some Person, of known Ability and Integrity, shall be Commissionated Escheator General by the Governor, Deputy Governor, President, or Commander in Chief for the time being, by and with the Advice and Consent of three or more of the Lords Proprietors deputies, with Power to Commissionate one or more Deputy or Deputies; and all Inquisitions that shall be taken as Escheator not commissioned as aforesaid, or without a Writ of Escheat first obtained, such Inquisition shall be null and void, to all Intents and purposes.

V. And be it further Enacted, That the Escheator General. or his Deputy or Deputies, before he or they shall execute any Writ of Escheat, shall give public Notice Thirty Days before, by setting up a Note at the Court House Door of the Precinct where the Land shall lie, of the Time when he will execute the said Writ, to the End that all Persons concerned may have knowledge thereof; upon the Penalty of Fifty Pounds, to be paid by the Party grieved; to be recovered, by Action of Debt, in the General Court of this Government; wherein no Essoign or Wager of Law shall be allowed: And

all Inquisitions shall be taken openly and publickly in the Court House of the Precinct or County where the Land to be Inquired after shall lie, by the most ancient indifferent Freeholders of the same Precinct and County. And the Escheator General, and every of his deputies, shall suffer every Person to give Evidence openly in their Presence to the Jury, upon such Inquisitions as shall be taken before him or any of them, upon the like Penalty of Fifty Pounds, to the Person so grieved; to be recovered in Manner aforesaid; And all such Inquisitions shall be returned into the Secretarys Office within Twenty Days, at farthest, after they are taken; and if no Person shall prove himself Heir to such Land as have been found to escheat in Manner aforesaid, or any time in Seven years after the Date of the said Inquisition, such Person, and his Heirs, are and shall be forever barred and excluded from having or suing for the said Lands.

CHAPTER XXXI.

An Act for the more effectual observing of the Queen's Peace, and Establishing a good and lasting Foundation of Government in North Carolina.

I. Whereas several Revolutions have heretofore happened in this Colony, which were fomented and carried on by factious and seditious Persons, to the great Loss and Damage of the Inhabitants thereof, and to the repeated Breaches of her Majesty's Peace, and Violation of the Loyalty and Obedience due from Subjects to their lawful Sovereign and Superiors; and what most nearly has concerned us, are the late unhappy Dissentions among ourselves in this Colony, whereby Injustice and Oppression took Place and Over-spread our Country, our Trade decreased, and daily differences and Animosities increased, to the Ruin of Religion and our Liberties; since which it has pleased God in a great Measure to influence us with a deep, Concern for our Calamities, and put into our Hands a Power and Resolution of removing these threatening Evils and Dangers, and for the future to procure a happy Restoration of Peace and Tranquility amongst us, by making such good and wholesome Laws whereby Religion and Virtue may flourish, our Duty to our Prince and Governors be put in Practice and maintained, our Laws, Liberties and Estates preserved and kept inviolated, and Justices and Trade encouraged:

II. We therefore, the Commons Assembled, do pray that it may be Enacted, And be it Enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the Members of the General Assembly, now met at Little River, for the North East part of the Province, and by the Authority of the same; And it is hereby Enacted, That any Person or Persons who shall, at any time after the Date hereof, speak any seditious Words or Speeches, or spread abroad false News, write or disperse scurrilous Libels against the present Government, now lawfully established, disturb or obstruct, any lawful Officer in the executing of his Office, or that shall instigate others to Sedition cabal and meet together, to contrive, invent, suggest, or incite rebellious Conspiracies, Misdemeanors, Riots, or any Manner of unlawful Feuds or Differences, thereby to stir up against, or maliciously to contrive the Ruin and Disturbances of the Queen's Peace, and of the Safety and Tranquility of this Government; the said person or persons so offending, shall, and are to be reputed as utter Enemies to the Queen's peace, and the

Welfare and Good of this Government; and shall be punished accordingly, by Fine, Imprisonment, Pillory, or otherwise, at the Discretion of the Justices of the General Court; who are hereby impowered to hear and determine the same: And the said person or persons so offending as aforesaid, shall be compelled to give good and sufficient Security for his or their good Behaviour during the Court's Pleasure; and be incapable of bearing any Office of Profit or Trust in this Government, for the space of Three Years, or according as the Demerits of the Crime shall appear before the Judge thereof; And if any Person or Persons shall at any time hereafter, know of any such Evil Practices as aforesaid, and shall conceal the same, that then they shall be punished in the same Manner as if they themselves had, committed such Crimes.

III. And for the further Prevention of such traitorous Conspiracies and Rebellions against her Sacred Majesty of Great Britain, her Crown and Dignity, and the better to distinguish and prevent any disaffected Ministers or Officers, either Military or civil, from acting, or being tolerated, commissioned, or impowered to act in Possession, hold or remain to act by Virtue of any Commission, deputed commission, or any Power whatsoever, until the said Person, whoever he be, has first qualified himself according to the strictness of the Laws of Great Britain, now in Force:

IV. Be It Further Enacted, by the Authority aforesaid, That What Person soever, shall act in any Place of Profit or Trust as aforesaid, without being so qualified, shall forfeit the sum of One Hundred Pounds; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province: One Half to the Governor or President for the time being, for the support of the Government, and the other half to him or them that shall sue for the same; and shall forfeit his Right to the said Place or Benefit. Provided, That all Military Officers may take the Oaths in Order to their Qualification, before any one of the Members of the Council, or of the General Court, who are hereby impowered to Administer the same, and give them Certificate thereof. And moreover, what Person or Persons, who hereafter shall alter, equivocate, add to, or diminish, any Word, Part, or Clause, of the Oaths appointed to be taken by law, shall be deemed and held guilty of Forgery, and high Crimes, and shall be punished accordingly.

V. And whereas, this Province is annexed to, and declared to be a Member of the Crown of England; yet, notwithstanding Disputes so often arise concerning the Laws of England how far they, are in Force in this Government; and it appearing by the Charter, that the Powers therein granted of making Laws, are limited with this Expression, viz.: "Provided, Such Laws be Consonant with Reason, and as near as may be, agreeable to the Laws and Customs of our Kingdom of England." From thence it is manifest, That the Laws of England are the Laws of this Government, so far as they are compatible with our Way of Living and Trade:

VI. Be it Therefore Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared, That the common Law is, and shall be, in Force in this Government, except such part in the Practice, in the Issuing and Return of Writs, and Proceedings in the Court of Westminster; which for want of several Officers, cannot be put in Execution; which ought to be supplied by Rules of the General Court of this Government, being first approved of by the Governor and council, which shall be good in Law, from Time to Time, till it shall be altered by Act of Assembly.

VII. And be it further Enacted and Declared, by the Authority aforesaid, That all Statute Laws of England, made for maintaining the Queen's Royal Prerogative, and the Security of her Royal Person, and Succession of the

Crown, and all such Laws made for the Establishment of the Church, and the Laws made for the Indulgence to Protestant Dissenters, and all Laws providing for the Privileges of the People, and Security of Trade; as also, all Statute Laws made for Limitation of Actions, and Preventing of Vexatious Law Suits, and for preventing Immorality and Fraud, and confirming Inheritances and Titles of Land, are and shall be in Force here, altho' this Province, or the Plantations in general, are not therein named.

VIII. And because it has always happened, that upon vacancy of the Government, seditious and Evil-minded Persons have taken Occasion to dispute the Authority of the succeeding governor or President, however Elected or Qualified, for want of certain Rules being laid down and approved of by the Lords Proprietors: We pray therefore that it may be Enacted; And be it Enacted, by the Authority aforesaid, That in Case of any such Vacancy, the Eldest Lords proprietors Deputy, shall summons the rest of the Deputies, with all convenient speed, to meet at the usual Place of the Councils Meetings; and there they, or the major part of them that meet, shall chuse a President; and in Case of an Equality of Votes, the Voice of the Eldest Councillor shall have the Preference: And if it shall happen that the eldest Councillor shall refuse to summon the rest of the Deputies as aforesaid, within Ten Days after Notice of such Vacancy, then the next eldest Councillor shall summons as aforesaid.

IX. And Be It Further Enacted, That in the Case of the Vacancy of any of the Lords Proprietors Deputies, the Governor or President in the time being, with the Consent of the Major Part of the Deputies then being shall chuse one to supply that Vacancy, till the Lords Proprietors shall signify their Pleasure to the contrary: And if any of the Lords Proprietors Deputies shall at any Time neglect or refuse to give their Attendance, being cited thereto; the Act or Acts of the remaining Deputies shall be good and valid in the Law to all Intents and Purposes.

X. And be it further Enacted, by the Authority aforesaid, That in Case of any extraordinary Occasion, if the Governor, Deputy Governor, or President for the time being, shall depart the Government, and shall first declare the Cause of his Departure in Council, his Absence not exceeding Six months, shall not be deemed a Vacancy, but the Eldest Councillor shall preside in Council during his Absence.

CHAPTER XXXII.

(Repealed by Navigation Act 6 Nov., 1798.—Ch. 4.)

An Act for Settling and Maintaining Pilots at Roanoke & Ocacock Inlett.

Whereas the Trade & Commerce of this Government is likely to decay very much through want of Pilots:

I. Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the advice and consent of the rest of the members of the Genl. Assembly now met at Little River for the No. East part of the Province & by the Authority of the same.

II. It is Hereby Enacted that the Governor or Commander in Chief for the time being shall commission & appoint two such persons as he shall think fitting & qualified to be Pilots the one for Roanoke the other for Ocacock Inletts which persons so nominated & authorized are hereby required constant-

ly and diligently to make it their business to search & find out the most convenient channel at the several respective Inletts for which they are allotted Pilots and that the Pilot for Roanoke do stake & mark out the Channel from the Barr till it be past Croatan or Colleton shoals & keep the same constantly staked out And the Pilot for Oacock is to see all vessels past the Shoals till they shall be in the open Sound & then to give directions for their sailing to the river such vessel or vessels shall be bound unto.

III. And It Is Further Enacted by the Authority afors'd that each Pilot shall keep a good boat well fixed for that purpose with two persons to assist him & shall use their best endeavours to look for & repair on board all such Vessels as shall be bound into their several respective Inletts. And if it shall so happen that through Extremity of Weather the Pilot cannot get on board then he is to make such signals as he shall think most proper to inform them of the Channel: of all which signals so intended to be made by the said Pilots they shall cause fair written Instruction to be made and lodged in the Collectors Offices of the most considerable British Ports in America, who are hereby requested to permit such Instructions to be affixed in some Publick place of their Offices.

IV. And Be It Further Enacted by the Authority afors'd that it shall & may be lawful for every Pilot which shall go on board any Vessel without the Barr or offer to take charge of her as Pilot or who through extremity of weather cannot get on board but shall be assisting with signals to the bringing of her in & carrying her out to ask demand & receive of & from every such vessel that shall draw six feet water or under the sum of Thirty Shillings & for every foot above the sum of Tenn Shillings more—the same to be paid in sterling money—And for the further encouragement of each Pilot who shall well & faithfully discharge himself in the due execution of that trust or office.

V. It Is Hereby Further Enacted that the Governor or Commander in Chief for the time being shall also appoint able & experienced Commissioners to examine such Pilots upon whose Certificates that they are fit & qualified for their post & have served faithfully therein one year shall have & receive the Sum of Thirty Pounds to be levied by a Poll-tax on the Taxables of the County to which such Pilot shall belong & officiate.

VII. And It Is Hereby Enacted by the Authority afors'd that if any vessel whatsoever shall happen to receive any damage, miscarry or be lost through the neglect—insufficiency or any other defect in or by any Pilot as shall take charge of the same. That then and in such case the said Pilot so taking charge, shall answer for & make good all & every the damages & losses so sustained as aforesaid.

VII. And Be It Further Enacted that in case any Pilot should Die, go off, or neglect or refuse to officiate or upon Misdemeanor or for any other defect shall be suspended by the said governor or Commander in Chief for the time being that then & in such case it shall & may be lawfull to & for the said Governor or Commander in Chief to name & appoint another person in his room that shall go off, die, refuse or neglect his duty or shall be suspended as aforesaid. And whereas it may prove & be of evil consequence to this Government for the Pilots to desist Officiating in their Office.

VIII. Be It Enacted by the Authority afors'd that no Pilot shall at his pleasure desist or refuse to Officiate in his office until he shall Three months before such desisting or refusal apply themselves to the Governor or Commander in Chief whereby the Country may not be destitute of good & able

men to officiate in the places of such so refusing & desisting in the said place or office of Pilotage.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXXIII.

An Act, to regulate divers abuses in taking up of lands, and to ascertain the Method to be Observed, from Henceforth, in taking up & surveying Lands.

I. Whereas of late Years, great Inconveniencies have arisen by Means of the Irregular Proceedings and Methods observed in entering & taking up Land and by some persons holding or pretending right to large tracts of Land; to the great Discouragment of Strangers coming in to inhabit among us, and to the great weakening of Places already settled and inhabited, as well as to the great Loss and Prejudice of the Lords Proprietors: For Prevention whereof for the future, and for the better regulating the Method of taking up Lands in time to come.

II. Be It Enacted, by his Excellency the Pallatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River for the North East part of the said Province, and it is hereby Enacted by the Authority of the same, That from and after the first day of January next ensuing the Date hereof, no Surveyor General, nor deputy Surveyor, shall enter any Land for any person after the Manner as has been of late Years observed; but that all Person whatsoever that shall, from thenceforward, be minded to take up any Lands in this Government, shall, before he lays Claim thereto, take a Warrant from the Secretary's Office, directed to the Surveyor General, or Deputy, as usual, mentioning the Quantity of Land by them intended to be taken up; which Warrant he shall deliver the said Surveyor General, or his Deputy, together with an Account where the Land lies which he intends to take up by that Warrant which the Surveyor shall indorse upon the back of the said Warrant together with the Time of his Receipt thereof, and give a Copy of the said Indorsement to the said Person; for which it shall be lawful for him to demand and receive the usual Fee of Entry and Copy; and shall, within Eight Months next after such Receipt, survey and make Return of the said Land, with the Warrant, as is usual, unless he shall give sufficient Reason upon his Oath, for not doing the same; provided always, that he hath no Warrant before lodged in his Hands for the same Land; and provided also, that if occasion be, the Surveyor shall be impowered to hire Chain-Carriers and Markers for his assistance in laying out of any Lands, and shall charge the same to the owner of such Land.

III. And be it further Enacted, by the Authority aforesaid, That the Surveyor General, and his Deputy, shall observe, in surveying and laying out of all Lands to be taken up from henceforward, that lies on a navigable River or Creek, that he shall run a full mile on a direct course into the Woods, and each opposite line shall run parallel with the other, if it can be admitted, for other People's Lines, or Rivers or Creeks, and for all Lands taken up wholly

in the Woods, the Survey shall be upon a Square, if it can be admitted, as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That no Surveyor or Deputy Surveyor, from and after the Time aforesaid, shall survey or lay out more than Six Hundred and Forty Acres of land in one Tract, nor shall survey or lay out two several Tracts of Land for, any one person within Two miles, at least of each other; unless by particular Warrant from the Lord's Proprietors for that purpose.

V. And be it further Enacted, by the Authority aforesaid, That any Surveyor or Deputy Surveyor, that shall presume to survey or lay out any lands contrary to the Directions, Purport and Meaning of this Act, shall, for every Offence, forfeit and pay the sum of Ten Pounds; one Half to the Public Treasury, and the other Half to him or them that shall sue for the same; to be recovered in the General Court of this Province; wherein no Essoign, Protection or Wager of Law, shall be allowed.

VI. And forasmuch as the Lord's Proprietors do sustain great Damages, and the Country in General lies unsettled, by Reason of many Persons holding or pretending Right to large Tracts of Land in this Government, without any other Title thereto than a bare Entry or Survey: Be it Enacted, by the Authority aforesaid, That all or any Person or Persons whatsoever, who do now hold or pretend any Right to any Lands within this Government, by Virtue of any Survey or Purchase, as aforesaid, made before the Fourteenth Day of April last past, and do not pay, or secure to be paid, the Purchase Money thereof to the Lord's Proprietors Receiver-General, on or before the Twenty-fifth Day of December next, pursuant to an Order of Council, dated the aforesaid Fourteenth Day of April, it shall and may be lawful for any Person or Persons to enter on the same Lands, and have patents therefor upon the old Surveys; providing he or they so entering shall pay, or secure to be paid, to the said Receiver-General, the Purchase-Money and Quit-Rents which should have been paid by the Person that shall so lapse the same, and also the sum of Ten Shillings to the Surveyor General, for altering the Certificate; which Patent, when so obtained, shall be deemed and adjudged good and valid, to all Intents and Purposes; any Law, Custom, or Usage, to the contrary, notwithstanding. And further, all Persons that do Pretend any Right to any Lands taken up on Pretence of Purchase, and do not pay, or secure to be paid, the Purchase-Money thereof to the Receiver-General for the Time being, within Six Months after the Date of such Survey, such Person or Persons shall forfeit their Right thereto; and it shall and may be lawful for any other Person or Persons to take out a Warrant for such Lands, and proceed thereon as is before directed in this Act, for taking up vacant Lands.

VII. And be it further Enacted, by the Authority aforesaid, That from and after the aforesaid First Day of January next, no Person shall sell or alienate his right to any Land, until he has paid the Purchase-Money thereof, and has obtained a Patent and Grant for the same; but such sale, Assignment, or Conveyance, shall be deemed, construed, and taken, to be invalid and of none effect: And such Land shall be free and clear for any other Person to take up, observing the Rules in this Act before specified for taking up vacant Lands.

VIII. Provided always nevertheless, That where the Right of land here tofore surveyed on Pretence of Purchase aforesaid, belong to an Orphan or Orphans that are not able or capable to patent the same, for want of Personal Estate within the Time before limited in this Act, it shall and may be lawful

for the Guardian or Guardians, Trustee or Trustees of such Orphan or Orphans, or Administrator of the Intestate's Estate, to sell and dispose of all or such part of such Right, as aforesaid, by Public sale, to the best Advantage they can for the Intestate's Estate; anything in the said Act to the contrary, notwithstanding: And in Case any Guardian, Trustee or Administrator, shall neglect or refuse to make Sale of Such Lands as aforesaid, within Six Months, the Orphans Courts are hereby impowered and required to call such Guardian, Trustee, or Administrator, to Account; and if they cannot find Personal Estate sufficient in their Hands to Purchase such Lands, as aforesaid, then they, the said Court, shall make such Sale, and to such Uses as aforesaid.

IX. And whereas many of the Inhabitants of Bath County, by Reason of the Calamities befallen them during the late Wars with the Indians, are rendered incapable of making present Payment for the Purchase of such Lands as now are, or have been, actually held, settled, and improved by them, and from whence they have been lately driven by the Enemy: Be it Enacted, that a Further Time be granted to such Persons for paying the Purchase of such Lands, upon giving such Security to the Lords Proprietors' Receiver General, as shall be by him approved of, within Six Months after the Ratification of this Act: Any Thing herein before Contained to the contrary thereof, in any wise, notwithstanding.

CHAPTER XXXIV.

An Act for Entering of Vessels & to Prevent the Exportation of Debtors.

I. Be It Enacted by His Excellency the Pallatine and the rest of the true and Absolute Lords Proprietors of the Province of Carolina by & with the advice & consent of the rest of the members of the General Assembly now met at Little River for the No. East part & by the Authority of the same.

II. And It Is Hereby Enacted that the Master of every Ship or Vessel coming into this Government shall within four days next after his arrival here & before he Trade or land any goods (living creatures only excepted) enter into Bond in the Naval Office with one sufficient Freeholder or well-known Merchant in the sum of Five Hundred Pounds with Condition that he the said Master shall not carry off any person out of this Province without a Ticket first had & obtained from the Naval Officer and signed by the Governor, Deputy Governor or Commander in Chief for the time being (persons coming in the same vessel, Women whose husbands are resident in this Country, persons under age & sailors who have not resided in the Government above two months Excepted) nor shall depart himself without leave under the Penalty of Fifty pounds; one third to the Lords Proprietors, one-third to the Governor or Commander in Chief, and the other one-third to the Informer.

III. And Be It Further Enacted by the Authority Aforesaid, that the said Bond shall be taken in the name of the Governor or Commander in Chief for the time being payable to himself, his Heirs, Successors or Assignes but shall be to the only use of & in trust for such person and Persons as shall appear to be injured by the said Master's non-performance of the Condition above expressed & shall be assigned to any Person or Persons so injured petitioning for the same.

IV. Provided always & it is hereby further Enacted that if the said Bond or Bonds shall not be sued within Two years after the date thereof then the

same shall be Null & Void to all Intents & Purposes whatsoever as if the same had never been made—any thing herein before contained to the contrary notwithstanding.

V. And Be It Further Enacted by the Authority aforesaid that no Ticket shall hereafter be Granted to any Person intending to export his or herself out of the Government (except as before excepted) until sufficient security be first given to the Naval Officer for the payment of all such Debts as the Party so intending to depart shall be chargeable with & for which Actions shall be commenced within four Months next after such Security given or until certificate be first made to the Naval Officer by the Clerk of the Precinct Court where the Party shall reside that he hath published his Intentions to depart the Government by affixing a note to the Court House door publickly to be read by all Persons during the sitting & continuance of the two Courts next preceding such Certificate without being under Writt or any demand made to hinder his or her departure.

VI. And Be It Further Enacted that on default of so doing the Naval officer shall be liable to satisfy the creditors of all such persons who shall depart the Government by Ticket from that Office: Provided Action for the same be entered within four months after the date of such Ticket so obtained without security given or Certificates had & received from the Clerk of some Precinct Court as before mentioned.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXXV.

(Repealed by Act 6 April, 1748, ch. 10.)

An Act for Raising a Publick Magazine of Ammunition upon the Tonnage of all Vessels Laden to this Government,

I. Be It Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of Carolina by & with the Advice & consent of the General Assembly now met at Little River for the No. East part of the Province & by the Authority of the same.

II. And It is Hereby Enacted that the Master of Every Vessel coming into this Government shall at the time of his Entering with the Treasurer heretofore appointed for Import duties give a true acct. upon Oath (as near as he can) of the length of the Keele the breadth upon the Beam & depth of the Hold of his vessel whereby the Treasurer may be enabled to know the Tonnage thereof & shall thereupon pay unto the said Treasurer one Pound of Powder & Four Pounds of Swan Shot & Twelve Flints for every Three Tons Measure of the said Vessel or for want thereof Ten Shillings current money for every three Tons: Of all which receipts by the Treasurer a just acct. shall be kept by him & shall be laid before the Assembly when required upon Oath.

III. And Be It Further Enacted by the Authority aforesaid that the Collector or Naval Officer in every district shall not clear any Vessel till such time as the Master or Commander thereof shall produce the said Treasurers Receipt for the Powder, Shot & Flints or money in lieu thereof as aforemen-

tioned under the Penalty of Twenty Pounds one half to the Publick & the other half to the Informer to be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record within this Government wherein no Essoign, Protection, Injunction nor Wager of Law shall be allowed or admitted of.

IV. Provided always that no Vessel built in this Country or whose Owners or part Owners are Inhabitants of the same shall be chargeable with or pay any the aforementioned Duties of Powder, Shot & Flints or money in lieu thereof as far as such part extends whose Owners are Inhabitants of this Country as aforesaid, Anything in this Act contained to the contrary notwithstanding.

V. And also Provided that all such Vessels as shall Import into this Government at one time the full quantity of Four Hundred Bushels of Salt & unlade the same here and Oath thereof shall be made by the Master of such Vessel, to the Powder Receiver, such Vessel shall not be liable to pay the said Powder, Shot or Flint for that Voyage.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXXVI.

An Act Concerning Roads & Ferries.

I. Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of Carolina by & with the Advice & Consent of the rest of the Members of the General Assembly now met at Little River for the No. East part of the Province and the Authority of the same.

II. It Is Hereby Enacted that all Roads & Ferries in this Government already laid out or appointed by virtue of any Act or Ordinance of Assembly heretofore made or declared or by virtue of any order of Court grounded thereon which are or ought to be now in use shall be & are hereby declared to be Publick Roads & Ferrys. And all persons whatsoever that ought or which have been accustomed or used to work on any such Roads & Bridges which have been made & laid out pursuant to an Act or Ordinance of Assembly or Order of Court grounded thereon shall continue to work on the same or to keep the same in repair as they should or ought to have done by virtue of such Act or Ordinance of Assembly or order of court conformable thereto.

III. And Be It Further Enacted by the Authority Aforesaid, that from time to time and at all times hereafter the court of each Precinct shall have full power & authority to appoint & settle Ferrys & to order the laying out new Roads where Roads are not already appointed or used & to appoint where Bridges shall be made for the use & ease of the Precinct so as not to alter the old Roads to the prejudice of any person without the leave & licence of such person first had & obtained.

IV. And Be It Further Enacted by the Authority aforesaid that all roads hereafter to be laid out shall be laid out by a Jury of Twelve men appointed by the Precinct Court which Jury shall first take an Oath to lay out the same for the greatest ease & convenience of the inhabitants & as little as may be to the prejudice of any private man & the Damages which shall be sustained

by any private person in laying out such Roads to be equally Levied & Collected by the Surveyor of such Road on the Tythables which ought to work on the same & by him paid to the Party injured.

V. And Be It Further Enacted by the Authority aforesaid, that if any person or persons after the Ratification of this Act shall pretend to keep any Ferry or to transport any person or persons or their horses or their Cattle for pay within ten miles of any Ferry which is already or hereafter shall be appointed, such person or persons so pretending to keep Ferry for transporting any person or persons or their horses or Cattle shall forfeit & pay the sum of Ten Shillings for every man or beast so transported or ferried to the next adjacent Ferryman to be recovered by a Warrant from any Justice of the Peace upon full proof thereof made before him.

VI. Provided always that such persons who shall hereafter undertake to keep any Public Ferry by Appointment & do not provide good & sufficient Boats & keep the same in good & sufficient repair & well & sufficiently attended for the passage of all Travellers shall forfeit & pay Ten Pounds for every neglect: One half to the Informer & the other half for & towards the Contingent charges of the Government to be recovered by Bill, Plaint or Information in the General Court of this Province wherein no Essoign, Protection or Wager of Law shall be allowed.

VII. And Be It Further Enacted by the Authority aforesaid that all publick roads already laid out or now in use or which hereafter shall be laid out shall be cleared of and from all Trees & Brush at least Ten Feet wide & such Limbs of Trees cut away as may incommode horsemen travelling that road. All Bridges or Causeways made or to be made over Swamps or small Runs of Water the pieces wherewith the same shall be made shall be laid athwart the road & at least Ten foot long well secured & made fast & covered with Earth & all Bridges over Deep & navigable streams shall be made at least ten foot wide with sufficient and strong pieces or plank at least Three Inches thick with firm & strong Post & Bearers well secured and fastened.

VIII. And Be It Further Enacted by the Authority Aforesaid that the Precinct Courts shall annually appoint Surveyors of the High-ways or roads who are by this Act obliged to summon all male Tythables within their Divisions & Limits or which have been used or accustomed to work on such roads & bridges as are in the division or Limits to meet at a place & time appointed some time in the months of April & September yearly to clear all the roads & make clear & repair all bridges within their Limits or Divisions & also at any other time of the year if occasion shall require & whoever shall upon such summons refuse or neglect to appear or to do & perform their parts & duties therein the surveyor shall cause them to be summoned to appear before the next Magistrate where if he or they cannot show a reasonable cause for his or their default he or they shall be fined Five Shillings for every Days neglect to be levied by the Order of the aforesaid Magistrate by the Surveyor to be bestowed in hiring men in the room & stead of those neglecting.

But if it shall happen that those persons who met in obedience to this Act shall perform the whole work that shall be necessary to be done at that time then all the forfeitures shall be equally divided among those who finished the work as aforesaid.

IX. And Be It Further Enacted by the Authority Aforesaid, that where the making of Bridges or Causeways shall not be judged proper to be performed by the whole Company working together it shall & may be lawful for the surveyor with one third of the company that shall be obliged to work

thereon to agree with any person or persons for performing the work And the Surveyor is hereby impowered after the work is finished to levy the same equally and indifferently by the Poll on all such as are obliged to work thereon to make Distress in case of refusal or non-payment.

X. And Be It Further Enacted by the Authority aforesaid that the Surveyor of the roads which shall neglect or refuse to do his duty as is by this Act appointed, or which shall not keep the roads or Bridges clear & in repair & which shall let them remain uncleared or out of repair after notice thereof for & during the space of Ten days unless hindered by extreme bad weather such Surveyor shall forfeit for each & every offence the sum of forty shillings (over & above such damages as shall be sustained) one half of the said sum to be employed towards the repair of the Roads the other half to him or them that will sue for the same to be Recovered by Action of Debt, Bill, Plaint, or Information in any Court of Record in this Government wherein no Injunction or Wager of Law shall be allowed or admitted of.

XI. And Be It Further Enacted by the Authority of the same that no member of the Council or Assembly or Justice of any Court, Coroner or Constable or Minister of the Church of England shall be Compelled or Compellable to work himself that shall send three persons in one district to work on any Road or Bridge. Anything in this Act contained to the contrary in any wise notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXXVII.

An Act to Encourage the Building of Mills.

I. And Be It Enacted by his Excellency the Pallatine, & the rest of the True & Absolute Lords Proprietors of Carolina by & with the Advice & Consent of the rest of the Members of the General Assembly, now met at Little River for the No. East part of the said Province.

II. And It Is Hereby Enacted that if any person or persons shall be desirous to build a Grist-Mill either Wind-Mill or Water-Mill within this Government it shall be lawful for the Surveyor General or his Depty. by a Warrant from the Precinct Court to lay out for such person or persons so desiring to build a Mill two Acres of land for a Water-Mill & Half an Acre for a Wind-Mill in such manner as for that use shall be most convenient upon or out of any man's land which said land shall be Appraised by Four honest men of the neighborhood appointed by the Precinct Court who shall make a true return of their appraisement upon Oath to the same Precinct Court & the owner of the said land for the Consideration Money by the said Appraisers appointed shall be bound to make a Conveyance of the same land to him or them that build such Mill or Mills their Heirs or Assigns with liberty of Egress & Regress to & from the same under this Condition & express limitation & provision that such person or persons to whom the said land shall be conveyed do erect, build & finish on the land so conveyed a substantial working Mill within the Term of Two years after the date of the conveyance otherwise to be Void & of none effect.

III. Provided always that the Court shall first give the owner of the land notice of the motion of any person to build a Mill on his land & if the owner will give Security to build a substantial working Mill on any part of his land then the motion of such person or persons to be rejected. And also provided that in the laying out of the aforementioned two Acres or half acre no person's Garden or Orchard be injured thereby.

IV. And It Is Hereby Further Enacted by the Authority aforesaid, that whosoever shall build such Mill or Mills shall have liberty to make use of any timber for that purpose on any lands adjacent making full satisfaction to the owners thereof & to be appraised as is aforesaid.

V. And it is Further Enacted that all such Mills as are or shall be built as aforesaid, shall be deemed Publick Mills & the Owner thereof or such as occupy & use the same shall be obliged as soon as their turn comes in course or as possibly they can grind Wheat & Indian Corn for all such persons as shall require the same & shall take care that the same be forthcoming again to the Owner on demand the lawful Toll only excepted under pain of double the value to be immediately Levied by a Warrant from the next Justice of the Peace & paid to the Party injured which being well ground without any fraud or deceit they shall not have or exact any larger or greater Toll than one eighth part of Wheat & one Sixth part of Indian Corn under the penalty and forfeiture of Ten times the value of the Wheat or Corn so brought to the Mill One half to the poor of the Parish, the other half to him or them that shall sue for the same, to be recovered by Acct. of Debt, Bill, Complaint, or Information made to the Precinct Court, wherein no Injunction or Wager of Law shall be allowed or admitted of.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXXVIII.

An Act to Appoint Public Registers and to direct the Method to be observed in Conveying Lands, Goods, & Chattels & for preventing Fraudulent Deeds & Mortgages.

I. Whereas his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors among other Priviledges & Immunities have given & granted to this their Province to choose Public Registers: In pursuance thereof to the said Grant and for the better & more effectual prevention of Fraudulent Deeds, Alienations & Mortgages. Be It Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the Advice & Consent of the rest of the Members of the General Assembly now met at Little River for the No. East part of the said Province.

II. And It Is Hereby Enacted by the Authority of the same that it shall & may be lawful for all or the Major part of the Inhabitants & Freemen of each precinct (who are qualified to vote in the election of Burgesses) to meet the first day of April next at the usual place for the election of Burgesses then & there by Majority of votes to elect Three Freeholders as Candidates for the said Office which said Candidates so elected the Provost Marshall or his

Deputy for each precinct (who are hereby required to attend at such elections) shall within Twenty days after make Return to the Governor or Commander in Chief for the time being (under the penalty of Five pounds for every such neglect) that the Governor or Commander in Chief with the Advice of the Lords Proprietors Deputies may make choice of one of them who being Commissionated under the Hand & Seal of the Governor or Commander in Chief shall be thereby Invested with the Office of Register of Deeds &, till there be a Clerk of the Parish Church, of Births, Burials & Marriages.

III. And Be It Further Enacted by the Authority aforesaid that each & every Public Register so chosen & commissioned shall within Three months after he shall enter upon his or her office give Bond with two good & sufficient securities to his Excellency the Pallatine & Lords Proprietors in the sum of one Thousand Pounds for the faithful discharge of his office which Bond shall be given before the Justices of the Precinct whereof the Party shall be appointed Register & Recorded in the Secretary's Office & the Original Deposited in the Hand of the Governor or Commander in Chief. And whoever after the said first day of April shall officiate in the said Office longer than Three months without giving such Security as aforesaid he or they so offending shall forfeit & pay the sum of Twenty pounds, one half to the Informer & the other half to the poor of the Parish or Precinct.

IV. Provided always that every person & persons who now Act in the aforesaid Office within any Precinct of this Government shall be & continue in the same till such choice shall be made & confirmed as is before by this Act directed when they and every of them are hereby required & commanded to deliver to the Publick Register of their Precinct so Elected & Confirmed all papers & Records which shall be in their Custody and which of right belong & appertain to the said office under the penalty of Fifty pounds.

V. And Be It Further Enacted by the Authority aforesaid, that in case of death or other Legal disability of any of the said Registers the like proceedings shall be had for the nominating Three Candidates to the Governor the second day of the next Court ensuing the death or disability of the Register as is before by this Act directed.

VI. And it is further Enacted by the Authority Afores'd that no Conveyance or Bill of Sale for land (other than Mortgage) in what manner soever drawn shall be good & available in Law unless the same shall be acknowledged by the Vendor or proved by one or more Evidences upon Oath either before the Chief Justice for the time being or in the Court of the Precinct where the land lyeth & registered by the Publick Register of the Precinct where the land lyeth within twelve months after the date of the same Deed and that all Deeds so done & executed shall be Valid & pass Estates in Land or Right to other Estate without Liberty or Seizin, Attornment or other Ceremony in the Law whatsoever.

VII. Provided always that all Deeds or Conveyances of Land, Tenements, Hereditaments, Goods & Chattels which are already past & registered or which shall be registered within one Year after the Ratification of this Act for which a Good & valuable consideration has been actually *bona fide* paid shall be good & available in Law & Equity to purchasers & their heirs against the Vendors & their Heirs & all others claiming by, from & under them in as full & ample manner to all Intents, Constructions & Purposes as if the same Title had been made either by Fine, Common Recovery, Livery of Seizin, Attornment or any other ways used & practiced within the kingdom of Great Britain,

VIII. And Be It Further Enacted by the Authority afores'd that all Deeds & conveyances of Land lying within this Government made in foreign parts which shall be remitted hither & proved before the Chief Justice or Court of the Precinct where the land lyeth in manner as before directed or which shall be personally acknowledged or proved before the Chief Magistrate of and City, Town or Corporation within the King of Great Britain's Dominions And an Attestation thereof fixed thereto or which shall be acknowledged or proved before the Governor or Commander in Chief of any of his Majesty's plantations and attested under the Publick seal & registered in the afores'd Office of the precinct where the land lyeth within One year after the Arrival of such Deeds shall be good & valid in Law to all Intents & purposes as if made & Executed within this Government.

IX.. And for the avoiding & abolishing of feigned, Covinous & Fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgements & Executions as well of Lands & Tenements as of Goods & Chattels which of late have been & still are devised & contrived of malice, Fraud, Covin-or Collusion to the End, Purpose & Intent to delay, hinder & defraud Creditors & others of their just & lawfull Actions, debts, & Accompts.

X. It Is Hereby Further Enacted by the Authority afores'd that all & every Feoffment, Gift, Grant, Alienation, Bargain & Conveyance of Lands, Tenements, Hereditaments, Goods & Chattels or at any of them by Writing or otherwise and all & every Bond suit, judgment & execution at any time had or made to be or for any Intent or Purpose since the first day of January Anno Dom. 1714 or at any time hereafter to be had or made before, declared & expressed shall be from henceforwards deemed & taken only as against the person or persons, his or their heirs or successors, executors, administrators & assigns & every of them whose Actions, Suits, debts, Accompts, damages, penalties, forfeitures & Relief by such Covinous or fraudulent devices & practices as is afores'd or shall or might be in any wise disturbed, hindered, delayed or defrauded to be clearly & utterly void *frustrata* & if no effect any pretence, collusion, feigned Consideration expressing of use or any matter or thing to the contrary notwithstanding.

XI. And Be It Further Enacted by the Authority afores'd that all and every the Parties to such feigned, Covinous or Fraudulent Feoffments, Gifts, Grants, Alienations, Bargains, Conveyances, Bonds, Suits, Judgments, Executions, or other things before expressed & being Privy & knowing of the same or any of them which after any time after the first day of August next coming shall wittingly & willingly put in use, avow, maintain, justify & defend the same or any of them as true, simple & done, had or made *bona fide* & upon good consideration or shall alien or assign any the Lands, Tenements, Goods or things before mentioned to him or them conveyed as afores'd or any part thereof shall incur the forfeiture of the real value of the Lands & Tenements, Goods & Chattels the one moiety thereof to the Lords Proprietors & the other half to the Party grieved & intended to be defrauded thereby.

XII. Provided also & be It Enacted by the Authority afores'd that this Act or any thing herein before contained shall not extend or be construed to impeach, defeat or make void any conveyance or assurance, Interest or Limitation of Use or Uses of into, or out of any lands or Tenements heretofore at any time had or made or hereafter to be *bona fide* made upon and for good consideration to any person or persons whatsoever any thing before mentioned to the contrary notwithstanding. And for the prevention of

Frauds by Double Mortgages & Conveyances of Lands, Negroes, Goods & Chattels.

XIII. Be It Further Enacted by the Authority aforesaid that every mortgage of Lands, Tenements, Goods or Chattels which shall be first registered in the Register's Office of the precinct where the Land lyeth or of Goods & Chattels where the Mortgager liveth shall be taken, deemed, judged, allowed of & held to be the first Mortgage & to be good, firm, Substantial & lawfull in all Courts of Justice within this Government any former or other Mortgage of the same Land, Goods or Chattels not before Registered Notwithstanding unless such prior Mortgage be registered within Fifty days after the Date.

XIV. Provided always & be it further Enacted by the Authority afors'd that in case more than one Mortgage shall happen to be made & to be in force at one time of the same Lands & Tenements, Goods & Chattels the several Mortgagees which have not Registered their Mortgages, their Heirs, Executors, Admrs. or Assignes shall have power to Redeem any Mortgage or Mortgages Registered upon paying the Principal Debt, Interest & cost of suit to the prior Mortgagee or Mortgagees, their Heirs, Executors, Adminrs. or Assignes.

XV. And as a punishment for such intended fraud or Covin any person or persons which shall Mortgage the same Lands, Tenements, Goods or Chattels a second time a former Mortgage being in force & not discharged, shall have no power or liberty of Redemption in Equity or otherwise.

XVI. Provided also, that nothing in this Act contained shall be construed, deemed or extended to Barr any Widow of any Mortgage or of such Lands & Tenements from her right of Dower to the said Land who did not legally join with her husband in such Mortgage or otherwise Barr or exclude herself from such her Dower or Right.

XVII. And Be It Further Enacted that every prior purchaser or mortgagee of any Lands or Tenements, Goods or Chattels which shall not before the first day of January, 1716, Register his Title or Mortgage as afors'd. If after that time a second deed of Sale, Conveyance or Mortgage be registered before the prior such person, so neglecting shall take no advantage or Benefit of such Purchase or Mortgage already signed & sealed.

XVIII. And Be It Further Enacted by the Authority afors'd that the Register afors'd of every precinct when there is no Clerk of the Church in that precinct shall register all Births, Burials & Marriages within the precinct whereof he is Register & that every Master or Mistress of a family who shall neglect to register the Birth or Death of any person Born or Dying within his or her House or Plantation & every married man who shall neglect to remit to the said Register a Certificate of his Marriage & cause the same to be registered for longer than one month, Each Master or Mistress or Married man so neglecting or refusing shall forfeit & pay to the said Register one shilling per month for every month so neglected. Provided the whole do not exceed Twenty shillings.

XIX. And Be It Further Enacted by the Authority afors'd that all penalties & forfeitures in this Act mentioned shall be recovered by Bill, Plaint or Information in any Court of Record within this Government wherein no injunction, Protection or Wager of Law shall be allowed or admitted of.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XXXIX.

(Repealed by Act 4 Apr., 1741, Ch. 17.)

An Act concerning Weights and Measures.

I. Be It Enacted by his Excellency the Palatine & the rest of the True & Absolute Lords Proprietors of Carolina by & with the Advice & Consent of the rest of the Members of the Genl. Assembly now met at Little River for the No. East part of said Province.

II. And It Is Hereby Enacted that the Vestry of each & every precinct or parish within this Government which is not already provided therewith shall within Twelve months after the Ratification of this Act at the precinct or parish cause to be assessed, levied & raised with the other precinct or parish charges the several sealed Weights & Measures following that is to say Five Half hundreds, One Quarter of an Hundred, Four pounds Weight, Two pounds, One pound & two Half pound Weights—A pair of Brass Scales together with a Brass or Copper Yard And of measures an Half Bushel, Peck, Gallon, Pot, Pottle, Quart & pint under the penalty of Twenty Shillings each Vestryman who shall neglect to perform his duty herein; One Halfe to the Informer & the other half to the use of the parish or precinct where the said neglect shall be to be recovered before any Justice of the Peace of the said Precinct without Appeal to any Court or Courts whatsoever.

III. And Be It Further Enacted by the Authority afores'd that the Eldest of the Church wardens of each Precinct or Parish or such other person as shall be appointed by the vestry or the Major part of them shall keep these Standards in his House with a Burnt Mark & Stamp for Iron, Lead or Pewter with the letters N. C. to whom all persons who have not Weights & Measures sealed in England shall bring their Weights & Measures and Steelyards to be tried & sealed.

IV. And Be It Further Enacted by the Authority afores'd that whoever shall presume to buy or sell by Weight or Measure not tryed or sealed as afores'd, whether he be foreigner or Inhabitant, after the procurement of such Weights & Measures as afore directed such person or persons so offending shall forfeit & pay the sum of twenty shillings, for each Default, One Halfe to the Informer & the other half to the Vestry for the use of the Precinct where such default shall be committed to be recovered as aforesaid.

V. And Be It Further Enacted by the Authority afores'd that every person in whose keeping the said Standards shall be shall at the time of the trying & sealing thereof give a Certificate to the owners of all Steelyards, Weights & Measures by him tryed & sealed for which service it shall & may be lawfull for the said Standard keepers to ask, demand & receive the sum of one shilling for every pair of Steelyards, Weights or Measures by him stamped or sealed.

VI. And Be It Further Enacted by the Authority afores'd that the said Standard keeper each & every of them at the time of receiving the said Standards into his or their keeping or within Thirty days after shall have administered to him the following Oath Viz. That he will not stamp, seal or give Certificate for any Steelyards, Weights or Measures by him sealed but such as shall be perfectly agreeable with the Standard & that he will in all things faithfully discharge the office or trust hereby reposed in him to the best of his Judgment or Understanding which Oath the Justices of each & every Precinct Court or any one of them is & are hereby impowered to administer.

VII. And Whereas by much using the best of Steelyards are lyable to damage & alteration.

Be It Further Enacted by the Authority afors'd that every person using, buying or selling by Steelyards shall trye the same and make them agreeable with the Standard once every year & take out a new Certificate for the same under the penalties & forfeitures before ascertained for using the same without being stamped to be recovered as afors'd for the uses afors'd.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XL.

Staple Commodities Rated.

I. Be It Enacted by his Excellency the Pallatine & the rest of the True & absolute Lords Proprietors of the Province of Carolina by & with the Advice & Consent of the rest of the Members of the Genl. Assembly now met at Little River for the No. East part of the Province & by the Authority of the same.

II. And It Is Hereby Enacted that for establishing a Certainty in Trade & in the payment of Publick Levys all Debts due or which hereafter may become due on acct. of the Publick or to any Inhabitant or foreignor trading amongst us or in our private dealing amongst ourselves or otherwise howsoever the Debt being contracted or due in Money not expressing Sterling such person or persons to whom such money shall be due shall take & receive of the same any Specie hereafter expressed & all the Rates hereby appointed or Publick Bills of Credit any thing in this Act contained to the Contrary Notwithstanding.

	£	s.	d.
Tobacco per Cwt.....	0	10	0
Indyan Corn per Bush.		1	8
Wheat " "		3	6
Tallow Tryed, per lb.			5
Leather Tanned & Uncured, per lb.			8
Beaver & other Skins per lb.		2	6
Wild Cat Skins per piece		1	0
Butter per lb.			6
Cheese per lb.			4
Buck & Doe Skins (raw) per lb.			9
do do (drest) "		2	6
Feathers per lb.		1	4
Pitch (Full Gauged) per Barl.	1	0	0
Whale Oil " "	1	10	0
Porke " "	2	5	0
Beef " "	1	10	0

III. And Be It Further Enacted by the Authority afors'd none of the aforementioned Comodities shall be forced upon any Creditor or Publick

Receiver or other at the Rates & Prices aforementioned unless they be good in their kind & Merchantable & approved by Two substantial Freeholders Indifferently chosen & sworn before some Magistrate justly & impartially to give their opinion thereon.

IV. And Be It Further Enacted that in all Contracts made or hereafter to be made for Drest Buck skins at Two shillings per skin & Drest Doe Skins at One Shilling & six pence per skin the same shall be adjudged equal to Sterling money of the Kingdom of Great Britain.

CHAPTER XLI.

An Act to Ascertain the Time for the Payment of Pork, Wheat & Indyan Corn.

I. Forasmuch as Wheat, Pork & Indyan Corn (being rated Commodities of this Government for the payment of Debts) are subject to be spoiled if kept beyond their Season.

II. Be It Enacted by his Excellency the Palatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the Advice & Consent of the rest of the Members of the Genl. Assembly now met at Little River for the No. East part of the province & by the Authority of the same.

III. And It Is Hereby Enacted that no Execution upon any Judgment passed or hereafter to be passed for any the aforesaid Commodities shall be Executed, upon the Body or Estate of any person whatsoever except within the times hereafter by this Act exprest Viz. for fresh Pork between the first day of September & the last of February, for Barrelled Pork between the said first day of January & the first of May; for Wheat between the first of July & the tenth of September; Indyan Corn between the first of January & the first of June.

IV. Provided always that this Act nor any thing therein Contained shall not be construed nor adjudged in favor of any person withdrawing himself or his effects out of the Government nor hinder the Issuing out & levying of any Execution for any the said Commodities at any other time or times whatsoever during the currency of the public Bills of credit within this Province which are required & directed to be taken in full satisfaction for all or any of the Commodities afors'd or any Judgement obtained for the same.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLII.

An Act for Ascertaining the Gauge of Barrels & to prevent Fraudes in pork, beefe, Pitch & Tar.

I. Be It Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the Advice & Consent of the rest of the Members of the Genl. Assembly now met

at Little River for the No. East part of the said Province & by the Authority of the same.

II. It Is Hereby Enacted that from & after the Ratification of this Act no Cooper or other person whatsoever making Casks shall expose to sale any Barrels or Halfe Barrels for the holding of Beefe, Pork, Pitch, Tar or Train Oyle but what shall contain & hold Thirty One Gallons & a halfe each Barrel, & Fifteen & three quarters Gallons Each Halfe Barrels & all Barrels & Half Barrels which shall be exposed to sale shall be made of timber seasoned at least Six months after the Riveing the Staves not less than Half an inch thick when wrought: the heading not less than 3-4 of an Inch thick & well Dowelled: Twelve good, substantial Hoops on each Cask & the whole to be tight & workmanlike. And every Cooper making Barrels or Halfe Barrels or any other persons making the same before they deliver or expose the same to sale shall set his or her proper Brand Mark upon every Barrel or Half Barrel which Mark he or they shall cause to be recorded in the office of the Precinct where he or they shall reside or dwell.

III. And Be It Further Enacted by the Authority afors'd that every Cooper or other person exposing to Sale any Cask not agreeable to the directions of this Act shall for every offence forfeit the sum of six Shillings & eight pence & the Cask or Barrells so deficient & for not recording his or their Brand the sum of Twenty Shillings: one half to the Church wardens & Vestry for the use of the Parish, the other to him or them that shall sue for the same before any Justice of the Peace.

IV. And Be It Further Enacted by the Authority afors'd that upon Complaint made upon Oath or solemn Affirmation by any person or persons to any Justice of the Peace in this Government that he hath received of any person or persons any Beef, Pork, Pitch, Tarr or Train oyle that is not good or Merchantable or is not in good or sufficient Cask as is by the Law appointed or that the Pork is deceitfully packed up or contains more head than by Law is allowed or that there is Boars' flesh mixed or packed therein or that the meat is not well saved & salted fit for Exportation or that the Beef is mixed with Bulls' flesh, shanks, Marrow Bones or Heads, or is any way defective & not Merchantable such Justice, upon all or any of those complaints shall issue his warrant to two reputable Freeholders who shall view the same & upon their Oaths shall make report thereof & of the Damages to the same Justice that issued out his Warrant & if the complaint shall appear to be just he shall immediately order double damages to the party injured & the value of such Pork, pitch, Tarr or oyle shall be forfeited to the Church Wardens & Vestry for the use of the Parish where such offender lived or resided.

V. And Be It Further Enacted by the Authority afors'd that all forfeitures that shall become due by Virtue of this Act shall be sued for within ten days after the receiving of such Cask, Beef, Pork, Pitch, Tarr or Train Oyle & not after.

EDW^d MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLIII.

(Repealed by Act 4 April, 1741, Ch. 8.)

An Act to appoint the Marking Horses, Cattle & Hoggs & to prevent injuries done by killing, mis-marking, driving away or destroying people's Stocks.

I. Be It Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the advice & consent of the rest of the Members of the General Assembly now met at Little River for the North East part of the Province & by the Authority of the same.

II. It Is Hereby Enacted that all persons having or claiming any unmarked Horses, Cattle or Hoggs within this Government shall have liberty till the first day of April 1717 to take up, Brand & Mark all such Horses, Cattle or Hoggs that now are running in any part of this Government. And if in the time afors'd or at any time hereafter any Ranger shall take up, Brande, Marke or drive away any unmarked Horse, Mare or Foal, Neat Cattle & Hoggs belonging to the Inhabitants of this Government & the same be made appear by the Testimony of any one credible person before any Magistrate every Ranger shall deliver such Horse, Mare, Foal Cattle or Hogg to the person or persons so claiming or the value thereof to be ascertained by the said Magistrate such person or persons paying to the Ranger Ten Shillings for every such Horse, Mare or Foale, Two Shillings & Six pence for Neat Cattle & Eighteen pence for every Hogg.

III. And Be It Further Enacted by the Authority afors'd that every person inhabiting within this Government shall have eighteen months time for the foaling of any Mare to marke the Foale, Fifteen months for the marking of any Calf & Nine months for the Marking of any Hogg or Shoate: Or if any Ranger whatever shall take up, kill, or drive away any unmarked Horse, Mare, Colt, Cattle or Hogg under the Age aforementioned he shall have no reward for the same but deliver the same or be accountable for the value thereof to the Owner if it can be proved on Oath or Testimony whose it is or to the owner of the Land where it was taken up or killed or from where it was driven. And also forfeit the sum of Five Pounds one half to the owner of the Beast or Land from where it was taken, Killed or drove away the other half to the Informer to be recovered by Action of Debt, Bill, Plaint, or information wherein no Essoign, Protection, injunction or Wager of Law shall be allowed or admitted of. And the Age & value of every Horse, Mare, colt, Neat Cattle or Hogg to be determined by the next Magistrate & for the prevention of disputes which shall or may hereafter arise touching the Branding or Marking of Horses, Cattle & Hoggs.

IV. Be It Enacted by the Authority afors'd that from & after the Ratification of this Act all & every person or persons whatsoever which in any way dispute which shall & may arise concerning any unmarked Horses, Mares, Colts, Neat Cattle or Hoggs shall claim the same as of his own proper stock such person or persons shall not be allowed the same unless his Brande or Marke by which he claims the same be Registered.

V. Provided always that it shall be sufficient for any person to produce the Bill of Sale by which he claims any Stock & their Increase which shall be allowed, deemed & taken to be as good to claim by as though the same had been of his own proper Stock or Markt. or had been registered.

VI. And Be It Further Enacted by the Authority afors'd that if any person

or persons shall take up, kill, marke, or Brande or Mis-mark or Mis-brande or Alter or deface the Marke or Markes, brande or brandes of any Horses, Cattle or Hogs not properly their own & be thereof lawfully convicted by the Oath or Testimony of any one credible Witness he or they shall forfeit for every Horse, Mare, Colt, Neat Cattle, or Hogg so taken up, killed, marked or branded, Mismarked or Misbranded, altered or defaced, the sum of Ten pounds over & above the value of such Horse, Mare, Colt, Neat Cattle or Hogs: the one half to the owner of said Horse, Neat Cattle or Hogg the other half to him or them that shall sue for the same to be recovered by Action of Debt, Bill, Plaint, or Information in any Court of Record in this Government wherein no Essoign, protection, Wager of Law, Priviledge or Injunction shall be allowed or admitted of.

VII. And Be It Further Enacted by the Authority afors'd that any person or persons whatsoever which shall kill any Cattle or Hogs in the Woods altho' his own shall hereby be obliged to bring in the Hyde of every beast with the ears on & the head of every Hogg so killed with the ears on & shew or cause the same to be shewn to two sufficient Freeholders of the Neighborhood and whosoever shall kill any Cattle or Hogs & not bring the Hyde or head in as by this Act is directed or which shall steal the Cattle or Hogs of other persons shall forfeit & pay the sum of Ten pounds for every such Beast or hogg so stolen as afors'd one half to the use of the Poor of the Parish & the other half to him or them that shall sue for the same to be recovered by Action of Debt, Bill, Plaint, or Information in any Court of Record in this Government wherein no Essoign, Protection or Wager of Law, or injunction shall be allowed or admitted of.

VIII. And for the better Discovery of such as shall steal Cattle or Hogs, It is Further Enacted by the Authority afors'd that if any person or persons whatsoever either Merchant or others shall pack up or cause to be racked up in Barrells, to sell or to be transported any Hogs, he or they so doing shall be obliged by this Act to pack the head of every Hogg with the ears on (being well cleaned) into the Barrell & if any person or persons shall fail thereof & shall be lawfully convicted of the same he or they shall forfeit such Barrell of Pork as shall be packed up contrary to the direction of this Act: one half to the Vestry men for the use of the Parish, the other half to him or them that shall sue for the same to be recovered by Action of Debt, Bill, Plaint or information in any Court of Record in this Government wherein no Essoign, protection or Wager of Law or Injunction shall be allowed or admitted of.

IX. And Be It Further Enacted by the Authority afors'd that any Freeholder which shall suspect any person or persons of Hogg Stealing shall have full authority & power to take the Constable along with him to search any House or place suspected & upon any discovery made of any stolen meat the Constable is hereby required & commanded to take all suspected persons & carry them before the next Magistrate there to give security to appear the next Court to answer the same.

X. And Be It Further Enacted that if any person or persons convicted of any offence mentioned in this Act shall not have wherewith to pay & satisfy the Forfeitures mentioned in this Act for such offence the Court shall immediately sell such person (being a single person) as a Servant for two years to any person that shall pay & answer the forfeitures due for such offence. And if it shall happen that the party injured by such offence cannot be known then that part which should have gone to the party injured shall be paid to the Vestry for the use of the parish. And if a Married man

shall commit such offence & not be capable of paying the Fine or Forfeitures by this Law imposed he shall for the first offence receive at the Whipping post or in the Court yard Twenty stripes on his bare back & give security for his good behaviour never to offend in the like manner & if such person shall offend the second time he shall receive Thirty nine stripes on his bare back in like manner & be transported out of the Government.

XI. And Be It Further Enacted by the Authority afores'd that if any person shall drive or chase any Stock or parcell of Hoggs, Horses or Cattle other than his own from any land belonging to any other person or that shall kill any Hoggs or Cattle or drive away any Horse other than his own without Leave or License from the owner of such Land such person so driving or chasing shall forfeit the sum of five pounds, one half to the Church Wardens & Vestry for the use of the Parish where such offence shall be done, the other half to the Informer to be recovered by Action of Debt, Bill, Plaint, or Information in any Court of Record in this Government wherein no Injunction or Wager of Law shall be allowed or admitted of.

XII. And Be It Further Enacted by the Authority afores'd that where any person or persons shall be guilty of any breach of Act & the person or persons aggrieved do not prosecute the same pursuant to the purport, intent & meaning thereof within the space of Six months after Notice given or knowledge of the same that then & in such case it shall & may be lawfull for any other person or persons to prosecute the same & have & receive the same benefit & profit thereby as the party injured might have done had he himself done it in due time.

XIII. And Whereas, since the late Warr with the Indians divers persons could not so conveniently get up their Cattle in the Spring as formerly they could before the Warr as afores'd which has given opportunity to evil disposed persons to drive up Cattle which of right belonged to their Neighbors, milking them all the Summer & afterwards marking the increase of their own proper mark to the great prejudice of the owners of such Cattle—for prevention whereof for the future.

XIV. Be It Enacted by the Authority afores'd that where any person or persons that shall have at his or their respective Cow-pens or Plantations any stray Cattle or that to their knowledge belongs to any person or persons within this Government & shall not by an Instrument of writing from under his or their hands give public notice thereof by affixing the same at the Court-House door of the precinct where he or they shall reside or otherwise give intelligence to the right owner if known within Twenty days after his or their taking up such Cattle or being frequently upon his or their Plantation shall forfeit & pay the sum of Forty Shillings for every month such Cattle shall be concealed to be recovered by a Warrant from any Justice of the Peace where such Default shall be committed: One half to the Informer, the other half to the party grieved, where no Essoign, Protection or Wager of Law shall be allowed or admitted of.

EDWARD MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLIV.

(See Act 27 Nov., 1729, ch. 5.)

An Act appointing Toll-Books to be kept at or near Katherine's Creek in Chowan Precinct at the Head of Perquimans River & at the mouth of the North West River in Corratuck Precinct, And to Prevent Persons from transporting or driving Horses, Cattle or Hoggs to other persons' Lands.

I. Whereas divers persons, Inhabitants of Virginia frequently comeing into this Government to purchase Cattle or Hoggs it may be greatly feared they may drive away Cattle or Hoggs which they have not purchased. And whereas divers persons as well as Inhabitants of this Government as of Virginia do very often drive, lead or carry Horses, Cattle & Hoggs to other persons' Lands where they suppose it is better herbage or Mast than that whereon they are dwellers, for prevention whereof.

II. Be It Enacted by his Excellency the Pallatine & the rest of the true & Absolute Lords Proprietors of the Province of Carolina by & with the Advice & Consent of the Rest of the members of the General Assembly now met at Little River for the North East part of the said province & by the Authority of the same.

III. It Is Hereby Enacted that there shall be at Katherine's Creek in Chowan Precinct at the head of Perquimmins River & at the Mouth of the North West River in Corrituck Precinct Persons appointed by the Governor or Commander in Chief for the time being to keep a Toll-Book and all persons whether Drivers, Purchasers or Owners of Cattle or Hoggs shall be obliged to enter in the Toll-Book every Beast or Hogg with their Mark & Distinction & of whom purchased & that what person soever shall drive Cattle or Hoggs to Virginia & shall neglect to enter the same in the respective Toll-Book according to this Act shall forfeit every such beast or Hogg which shall be so omitted as afors'd. And if such Beast or Hogg be not to be had the person so omitting shall forfeit & pay the sum of Forty shillings to be recovered by a Warrant from the next Justice of the Peace.

IV. And It Is Hereby Enacted that every purchaser, owner or Driver of Cattle & Hoggs shall pay unto the person appointed to keep the said Toll-Book Two pence for every beast & one penny for every Hogg which shall be so driven & entered in the said Toll-Book.

V. And Be It Further Enacted by the Authority afors'd that if any person or persons whatsoever either inhabiting in Virginia or in this Government shall after the Ratification of this Act presume to drive, lead, transport or carry any Cattle, Horses, or Hoggs to range upon any person's Lands shall forfeit & pay the sum of Ten pounds & that no person or persons whatsoever inhabiting this Government shall give leave to any other person or persons either Inhabitants or Foreigners to turn loose, drive & put on his Land any Horses, Cattle, or Hoggs under the like penalty of Tenn pounds.

VI. And Be It Further Enacted by the Authority aforesaid that no Foreigner whatsoever either by the consent or permission of any other person or persons inhabiting this Government or otherwise shall presume or offer to drive, lead or bring into this Government any Stocks of Cattle, Hoggs or Horses with intention to winter them here or to destroy the Herbage or Mast under the penalty of Twenty pounds & it is hereby meant & intended & so shall be understood & taken that no person shall be deemed an Inhabitant that holds land by Entry, Survey or Patent but such as actually

& constantly reside on such Lands or keep the same always Tenanted, Cultivate & Improved.

VII. And It Is Hereby Further Enacted by the Authority afors'd that the Ranger of each precinct or division where such offence shall be committed or (on his Default) the keeper of the Toll-Book is hereby appointed to make distress of such Cattle, hoggs, or horses of any person or persons offending; the one half of which Fine or Forfeiture shall be to the Ranger or keeper of the Toll-Book whichsoever shall make the Distress & the other halfe to the Church Wardens & Vestry for the use of the Parish where the offence shall be committed.

VIII. And Be It Further Enacted by the Authority afors'd that all Fines & Forfeitures in this Act mentioned and not herein and hereby expressly and particularly mentioned to whom they shall be paid & how to be recovered shall be one half to the Church Wardens & Vestry for the use of the Parish where the offence shall be committed & the other half to him or them that shall sue for the same in any Court of Record in this Government by Bill, Plaint or Information wherein no Essoign, Protection, Wager of Law or Injunction shall be allowed or admitted of.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLV.

What Fences are Sufficient.

I. Be It Enacted by his Excellency the Pallatine & the True & Absolute Lords Proprs. of Carolina by & with the Advice & Consent of this Present General Assembly now met at Little River for the North East part of the said Province.

II. And It Is Hereby Enacted that every planter shall make a sufficient Fence about his clear Grounds Five foot high & the end of every Raile not to be above four Inches asunder untill the Fence be three foot high from the Ground which if any person be deficient in whatsoever Trespass or Damage such person shall sustain by Horses, hoggs or Cattle the owner of such Horses, hoggs or Cattle shall not be Liable to any Action of Trespass or to make Satisfaction for such Injury.

III. And Be It Further Enacted that if any person whose Fence is insufficient shall with Gunns, doggs or otherwise unreasonably chase, worry, Maim or kill any cattle, hoggs or horses or cause the same to be done such person so offending shall make Full Satisfaction for such Damages or injury to the owners of such horses, hoggs or cattle as he shall thereby sustain to be recovered by Action of Debt in the Court of the Precinct wherein such Injury shall be committed wherein the Testimony of one Witness shall be sufficient proof Provided the Damages do amount to above Value of forty Shillings but in case the Damages be less than Forty Shillings then the same shall be Tryable, Issuable & Determinable by & before Justices of the Peace only as by the Act intituled an Act for the Trial of Small & Mean Causes is directed & provided.

IV. But In Case any Horses, Hoggs Or Cattle shall Trespass upon any

one's Land whose Fence shall be sufficient according & agreeable to the Directions of this Act which shall be determined by any two sufficient Freeholders of the Neighborhood Indifferently chosen & sworn before some Magistrate, Then the Owner of such Horses, Hogs or Cattle shall make full satisfaction for the Trespass to the Party Injured to be recovered in such Manner as is herein before by this Act directed.

V. And It Is Further Enacted by the Authority afores'd that every person whose Horse or Mare or Gelding shall break into any Inclosed Grounds Fenced according to the Direction of this Act such person or persons shall be bound to keep such unruly horse or Mare or Gelding from the Tenth Day of March untill the Tenth Day of November Yearly under the penalty of paying double Damages with Cost to the party Injured, for the Second Offence or Trespass & for the Third Offence Treble Damages to be recovered as afores'd.

EDW^d MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLVI.

(Repealed by Act 4 April, 1741, ch. 24.)

An Act Concerning Servants & Slaves.

I. Be It Enacted by his Excellency the Pallatine & the Rest of the True & Absolute Lords Proprs. of Carolina by & with the Advice & Consent of this Present General Assembly now met at Little River for the No. East part of the said Province.

II. And It Is Hereby Enacted that all Christian Servants Imported or to be Imported into this Government above Sixteen Years of Age without Indentures shall serve Five Years. And all under the Age of Sixteen Years at the time of their Importation shall serve till they be Two & Twenty Years of Age. And the Age of such Servant or Servants to be adjudged by the Precinct Court where the Master or Mistress of such servant resides. Provided the Master or Mistress of such servant do carry him or her to the said Court within Six Months after their Importation. Otherwise such Servant or Servants shall serve no longer than those of Sixteen years are above appointed to serve by virtue of this Act.

III. And Be It Further Enacted by the Authority afores'd that every Christian Servant whether so by Importation or by Contract made in this Government that shall, at any time or times absent him or herself from his or her Master or Mistress' service without his or her License first had shall make satisfaction by serving after the time by Custom or Indenture or Contract for serving is expired, double the time of Service lost or neglected by such time or times of Absence & also such longer time as the Court shall see fit to adjudge in consideration of any further Charge or Damages accruing to the Master or Mistress by such time or times of Absence as aforesaid.

IV. And Be It Further Enacted that if any Christian Servant shall lay violent hands on his or her Master or Mistress or Overseer, upon proof

thereof made, shall for every offence suffer such corporal punishment as the Court shall think fit to adjudge. And as an Incouragement for Christian servants to perform their service with Fidelity & cheerfulness.

V. Be It Further Enacted that every Master or Mistress shall provide for their servants so Imported or Indented Competent Dyet, Clothing & Lodging. And shall not exceed the Bounds of moderation in correcting them beyond their Demerits. And that it shall & may be lawfull for any Servant having just Cause of Complaint to repair to the next Magistrate who is hereby impowered, required & directed to bind over such Master or Mistress to Appear & answer the Complaint the next precinct Court and there to stand to & abide by such Orders & Judgment as the Court shall think fitt to pass thereon. And if the Magistrate shall see just cause he shall also take further security that he or she shall not in the mean time abuse such servant. And as a Further Encouragement for the faithful discharge of the such Imported or Indented Servants' services.

VI. Be It Enacted that every Christian Servant shall be allowed by their Master or Mistress at the expiration of his or her time of service Three Barrells of Indyan Corn & two new Suits of Apparrell of the Value of Five pounds at least or in lieu of one suit of Apparrell a good well-fixed Gun, if he be a Manservant.

VII. And Be It Further Enacted by the Authority afors'd that if any person or persons shall entertain or Harbour any Runaway Servant or Slave above one Night he or they so offending shall for every Four & Twenty hours afterwards forfeit & pay the sum of Tenn Shillings to the Master or Mistress of such Servant or Slave together with all Costs, Losses & damages which the Master or Mistress shall sustain by means of such entertainment or Concealment to be recovered in any Court of Record within this Government wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

VIII. And Be It Further Enacted by the Authority afors'd that no Master nor Mistress Nor Overseer shall give leave to any Negro, Mulatto or Indyan Slave (except such as wait upon their persons or wear Liverys) to go out of their Plantations without a Ticket or White servant along with them which Ticket at least the name of either the Master, Mistress or Overseer shall be subscribed & therein shall be incerted the place from whence he came & whither going under the Penalty of Five Shillings besides the charge of paying for the taking up of such slave or runaway.

IX. And Be It Further Enacted that all persons shall use their utmost endeavours to apprehend all such Servants & Slaves as they conceive to be Runaways or travell without Tickett as afors'd or that shall be seen off his Master's ground Arm'd with any Gun, Sword or any other Weapon of defence or offence altho' provided with a Tickett unless particularly mentioned and him, her or them having Apprehended shall carry & convey before the next Magistrate which Magistrate is hereby impowered to order and adjudge such Corporal Punishment to the said suspected Runaway as he shall think fitt and after correction shall order & command the Apprehender or Apprehenders to carry such slave immediately to the proper Owner if known & if not known then to the Provost Marshall for all which service the said Apprehender or Apprehenders shall be allowed the sum of Five Shillings over & above the sum of one Shilling per Mile for any distance not exceeding Ten Miles & for every Mile above Ten at the rate of Three pence per Mile According to Computation to be paid by the Master of such Slave or Servant. But in case where the Master or Owner is not known then the Provost

Marshall shall pay & satisfy the Apprehender or Apprehenders the several Premiums or Rewards before mentioned & the said Marshall before he delivers such servant or slave to the Owner or Order is hereby Authorized & Impowered to demand, receive & take of & from the said Owner not only the afores'd premiums or Rewards but also the sum of Six Pence per day during the time of the Servant or Slaves Imprisonment. Provided there be a necessity of Confinement otherwise the Labour of such Servant or Slave shall satisfy for his Imprisonment And the said Marshall is hereby Required & Commanded to Proclaim such Servant or Slave in every Precinct at the three next Courts after the Receipt of such servant or Slave And if it shall happen in the mean time that such Servant or Slave shall make his Escape, the Marshall shall not be obliged to make satisfaction unless there be sufficient Prisons provided for the security of such or that it can be made appear that he has connived at the escape or doth anyways concele such Servant or Slave from the Owner. And if any person or persons shall kill any Runaway Slave that hath lyen out two months such person or persons shall not be called to answer for the same if he give Oath that he could not apprehend such Slave but was constrained to kill him.

X. And Be It Further Enacted by the Authority afores'd that whosoever shall buy, sell, Trade, Truck, Borrow or Lend to or with any Servant or Servants or Slave or Slaves without the Licence or Consent in Writing under the Hand of his or her or their Master or Owners for any Condition whatsoever such person or persons so offending contrary to the true Intent & Meaning of this Act shall forfeit treble the Value of the thing Bought, sold, Traded or Trucked or Borrowed or lent. And also the sum of Ten pounds to be recovered by the Master or Mistress of such Servant or Slave in such manner as is before in this Act directed, Provided that if the said Master or Mistress of such servant or slave shall neglect or refuse to prosecute such Offender within Six months next after notice or knowledge thereof that then it shall & may be Lawfull for any other person to Prosecute the same & to have & receive the same benefit thereby as should have accrued to the said Master or Mistress had they done the same.

XI. And Be It Further Enacted by the Authority afores'd that where any slave shall be guilty of any Crime or Offence whatsoever the same shall be heard & determined by any three Justices of the Precinct Court where such Offence or Crime shall be Committed & three Freeholders such as have Slaves in that Precinct or the Major part of them shall have full power & authority & they are hereby required & commanded to Trye the same according to their best Judgment & Discretion at such time & place as the first in Commission in the said precinct shall appoint & to pass Judgment for life or Member or any other Corporal Punishment on such Offender & cause Execution of the same Judgment to be made & done. And if any Slave shall be killed in apprehending or that shall by Judgment of the said Justices & Freeholders or the Major part of them be publickly executed to the Terror of other Slaves, such Justices & Freeholders shall give a Certificate of the Value of such Slave under their hands to the Master or Owner of such Slave who shall be thereby Entituled to a Pole-Tax on all Slaves in the Government to make up that sum to the Owner of such Slave so publickly Executed or killed in Apprehending.

XII. And Be It Further Enacted that if any Woman Servant shall be gotten with Child in this Country & bring it forth in the time of her Servitude she shall serve Two Years to her Master or Owner for her Offence over & above what punishment she shall be & is Lyable unto for her Fornication.

XIII. Provided always that Women Servants coming into this Country with Child shall not fall under the Penalty of this Act. And in case a Woman servant shall in the time of her servitude be delivered of a child begotten by her Master then instead of the two years servitude to her Master she shall be sold by the Church Wardens of the Precinct or parish where the fault is committed for two years after her time by Indenture or Custome is fulfilled. And the Money arising by the said sale shall be disposed of by the Vestry for the use of the Parish.

XIV. And Be It Further Enacted by the Authority afores'd that where any White woman whether Bond or Free shall have a Bastard child by a Negro, Mulatto or Indyan over & above the Two years service to her Master or Owner she shall immediately upon the Expiration of her time to her present Master or Owner pay down to the Church Wardens of the Parish wherein such shall be born for the use of the said Parish the sum of Six pounds Current Money of this Province or be by them sold for two years to the use aforesaid.

XV. And Be It Further Enacted that in the case last aforementioned the Church Wardens aforesaid are hereby Impowered to bind out the said children to be servants untill they arrive at & be of the full age of Thirty One Years. And if any Profits shall accrue or may be made by the Binding out of such Children the same shall be accounted for by the Church Wardens to the Vestry or applied for & toward the use of the Parish.

XVI. And Be It Further Enacted By the Authority aforesaid that no White man or woman shall intermarry with any Negro, Mulatto or Indyan Man or Woman under the penalty of Fifty Pounds for each White man or woman.

XVII. And Be It Further Enacted that no Clergyman, Justice of the Peace or other person licensed to marry shall hereafter presume to celebrate such marriage under the like Penalty of Fifty pounds for every such marriage one half to the Informer & the other half to be lodged in the hands of the Governor or Commander in Chief for the time being to be applied for & towards the building of any Publick Church, Court-House or Bridges as the Governor shall think fit, and in case no such building shall require it then to the Lords Proprs. to be recovered as is hereafter in this Act appointed.

XVIII. And Be It Further Enacted by the Authority aforesaid that no person within this Government shall make any contract with his or their Negro or Negroes for his or their freedom or Liberty that are Runaways or Refractory Negroes. Provided that this Act shall not hinder any man from setting his Negro free as a Reward for his, or their honest & Faithful service. And Provided that such Negro depart the Government within Six Months after his Freedom But if any Negro set free as aforesaid shall not within the time Limited & according to the true Intent & Meaning of this Act depart the Government then such Negro or Negroes shall by the precinct Court be sold for Five Years to such person or persons as shall give security for their Transportation & the Moneys arising by such sale shall be paid into the Publick Treasury.

XIX. And Be It Further Enacted that if any Master or Owner of Negroes or Slaves or any other person or persons whatsoever in this Government shall permitt or suffer any Negro or Negroes to build on their or either of their land or any part thereof any house under pretence of a Meeting House upon the Acct. of Worship or upon any pretence whatsoever & shall not suppress & hinder the same he, she or they so offending shall for every default forfeit & pay Fifty Pounds One half towards defraying the contingent

charge of the Government the other halfe to him or them that shall sue for the same to be recovered by Action of Debt, Bill, Plaint or Information in any court of Record in this Government wherein no Essoign, Wager of Law, or Injunction shall be allowed or admitted of.

XX. And Be It Also Enacted that this Act shall be Publickly read by the Minister of Every Precinct or Parish immediately after Divine Service at least twice every year, Viz.: on the first Sunday in the Month of March & Oct. And for want of such Minister by the Clerke of every Precinct Court during the Court's sitting at the Courts holden in the months of April & October yearly under the penalty of Twenty Shillings for every neglect. And further that copies of this Act & of the Act for observing the Lord's Day to be sent to every Minister within Three Weeks after his arrival by the Clerke of that Precinct Court where he shall reside under the like Penalty of Twenty Shillings for every Neglect or default to be recovered as other Fines in this act are appointed & applied one Halfe to the Informer & the other halfe to the Church Wardens for the use of the Poor.

XXI. And Be It Further Enacted that all Penaltys mentioned in this Act & not otherwise declared shall be recovered before one Justice of the Peace if not exceeding Forty Shillings if more by Information or Action of Debt in any Court of Record one halfe towards defraying the Contingent charges of the Government and the other halfe to the Informer.

CHAPTER XLVII.

Private Burials Prohibited.

I. Whereas the Burying of Servants privately may occasion much scandal to this Government and bring divers Innocent persons under suspicion of useing Indirect means towards the procuring such persons deaths.

II. It is Hereby Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of Carolina by & with the Advice & Consent of this present General Assembly now met at Little River for the North East part of the said province, That every Planter, Owner, Attorney or Overseer of every settled plantation in this Government or that hereafter shall be settled shall be set apart a Burial Place & fence the same for the Interring of all such Christian Persons whether Bond or Free that shall die on their Plantations & that before the Interment there shall be called at least Three or Four of the Neighbours to view the Corpse. And if it appear to them that the person came to his or her death by any Violence or unlawful means Notice thereof shall be given forthwith to the Coroner of that precinct so that proceedings may be had thereon according to Law and in case any of the persons so called shall refuse to come & view he or she so refusing shall forfeit & pay the sum of Five Shillings to be Levied by a Warrant from the next Justice of the Peace & paid to the Church Warden for the use of the poor of said parish.

And further if any person so dying shall be buried contrary to the true Intent & meaning of this Act Then the Person or Persons occasioning the same shall forfeit & pay the sum of Ten Pounds one third to the Informer another third to the Lords Proprs. & the remaining part to the Poor to be recovered by Bill, Plaint, or Information in the General Court of this Government wherein no Essoign, Protection or Wager of Law shall be allowed Unless such person who in their lifetime by appointment or otherwise signi-

fied their desire of being Interred elsewhere. Or unless the person concerned in such Burial can make it sufficiently appear that so many of the Neighborhood has refused to come on Notice given them to appear & view the same that he could not without great Travel & Expence or damage to the corpse keep it any longer.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLVIII.

An Act Concerning Proving Wills and Granting Letters of Administration and to prevent Fraudes in the Management of Intestates Estates.

I. Be It Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the advice & consent of the rest of the Members of the General Assembly now met at Little River for the No. East part of the province & by the Authority of the same.

II. It is Hereby Enacted & declared that all Wills & Administrations heretofore proved & granted by the Council, General Court, Precinct Court or by powers or Commission heretofore granted by any Governor, Deputy Governor, President & Council to any particular person or persons shall be deemed adjudged & taken to be good & effectual to all Intents & Purposes whatsoever as if proved before Or granted by any Ordinary or other Ecclesiastical Judge or person.

III. And Be It Further Enacted by the Authority afores'd that it shall & may be lawfull for the Governor or Commander in Chief for the time being the General Court or Precinct Court to have Wills proved before them and Grant Orders for Administration. Provided the same be not repugnant to the Rules & Methods prescribed in this Act And Provided that the Granting Letters Testamentary or Letters of Administration allways Excepted which shall be allways from & after the Ratification of this Act signed by the Governor or Commander in Chief for the time being and sealed with the Colony seale & only Issuing out of the Secretary's Office & Counter signed by the Secretary or Deputy.

IV. And Be It Further Enacted by the Authority afores'd that no person do presume to enter upon Administration of any Deceased's Estate untill they have obtained such commissions or Administration or letters Testamentary signed by the Governor afores'd upon & under the penalty of Fifty Pounds one halfe to the Informer the other halfe to the Governor or Commander in Chief for the time being to be recovered by Bill, Plaint or Information in the General Court of this Government wherein no Essoign, Protection or Wager of Law shall be allowed or admitted of.

V. And It is Further Enacted by the Authority afores'd that the Secretary or his Deputy shall not affix the Colony Seale or subscribe any letters Testamentary without taking the Executor's Oath for performing the Will of the Deceased unless Certificate made by a Justice of the Peace that the same Oath is taken before him or Letters of Administration without having sufficient Bonds with two or more able Surety's taken either before the Sec.

retary or the Justices of the Precinct Court and returned into the Secretary's Office (respect being had to the value of the Estate) in the name of the Governor or Commander in Chief for the time being with the Condition in Form & Manner Following *Mutatis mutandis*, Viz.

VI. The Condition of this Obligation is such that if the above bounden A B Administrator of all & singular the Goods, Chattels & Credits of C D Deceased do make or cause to be Made a True & Perfect Inventory of all & singular the Goods, Chattels & Credits of the said Deceased which have or shall come to the hands, possession or knowledge of him the said A B, or into the hands & Possession of any person or persons for him & the same so made do Exhibit or Cause to be Exhibited into the Secretary's Office & one attested Copy thereof to the Precinct Court where Orders for Administration passed within Ninety days after the date of these Presents, and the same Goods Chattels & Credits and all other the Goods & Chattels & Credits of the said Deceased at the time of his death or which at any time after shall come to the hands or possession of the said A. B. or into the hands or possession of any other person or persons for him do well & True administer according to Law and further do make or cause to be made a True & Just Acct. of his said Administration within one year after the date of these present and all the Rest & Residue of the said Goods, Chattels & Credits which shall be found remaining upon the said Administrators Accts. the same being first Examined & Allowed of by the Governor & Council, General Court or Precinct Court shall deliver & pay unto such person or persons respectively as the same shall be due pursuant to the True Intent & meaning of this Act And if it shall appear that any last Will & Testament was made by the said Deceased and the Executor or Executors therein named do exhibit the same into Court making request to have it allowed & approved accordingly. If the said A. B. above bound being thereunto required do render & deliver the said Letters of Administration (Approbation of such Testament being first had & made) in the said Court then this Obligation to be Void & of none Effect or else do remain in full force & virtue. Which Bonds are hereby Declared & Enacted to be good to all Intents & Purposes & Pleadable in any Courts of Justice & shall be Transferred or Assigned by the Governor or Commander in Chief for the time being to any person or persons injured who shall and may maintain an action thereon.

VIII. And Be It Further Enacted by the Authority afors'd that all & every person or persons for whom Administration shall be granted shall distribute the surplusage of such Estate or Estates in manner following, that is to say One Third part of the said Surplusage to the Wife of the Intestate & all the rest by Equal portions to & among the Children in case any of the said Children be then dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the settlement of the Intestate or shall be advanced by the Intestate in his Lifetime by portion or portions equal to the share which shall by such distribution be Allotted to other Children to whom such distribution is to be made. And in case any Child other than the Heir at Law who shall have any Estate by settlement from the said Intestate or shall be advanced by the said Intestate in his Lifetime by Portion not equal to the share which will be due to the other Children by such distribution as afors'd (such settlement or advancement to be adjudged to the Value it was worth at the time of the settlement or Advancement) then so much of the surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any land by Settlement

from the Intestate or were Advanced in the Lifetime of the Intestate as shall make the Estate of all the said Children to be equal as near as can be estimated. But the Heire at Law notwithstanding any land that he shall have by descent or otherwise from the Intestate is to have an equal part in the Distribution with the rest of the Children without any consideration of the Value of Land which he hath by descent or otherwise from the Intestate.

IX. And in Case there be no Children nor any Legal Representatives of them then one Moiety of the said Estate to be allotted to the Wife of the Intestate the Residue of the said Estate to be distributed equally to every of the next of kindred to the Intestate who are in equal degree & to those who legally represent them.

X. Provided that there be no representations admitted among Collaterals after Brothers & Sisters children And in case there be no Wife then all the said Estate to be distributed equally to & amongst the children And in case there be no child then to the next of kindred in equal degree of or unto the Intestate & their Legal Representatives as afores'd & in no other manner whatsoever.

XI. And Be It Further Enacted by the Authority afores'd that no Executor or Administrator shall hereafter take or hold to himself (according to the Value of the Appraisement) more of the Deceased Estate than amounts to his necessary Charges & Disbursements & such Debts as he shall legally pay within Twelve months after Administration granted. But that all such Estate so remaining shall immediately after the end of Twelve months be expired be equally & indifferently divided & paid to such persons to whom the same is due by this Act or the Will of the Deceased such person or persons or some other for them giving Good Security that if any Debt or debts truly owing by the deceased shall be afterwards sued for & recovered or otherwise duely made appear That then & in every such case he or they shall respectively refund & pay back to the Administrator or Executor his or her Rateable part of that Debt or Debts with the charges of the Executor or Administrator by reason of such Debt or Debts out of the part or share so as afores'd allotted to him or her thereby to enable the said Execut. or Adminst. to pay & satisfy the said Debt or Debts so discovered after distribution so made as afores'd.

XII. And Be It Further Enacted by the Authority afores'd that where any person shall dye Intestate Administration shall be granted to the next of kin to the Deceased. Provided such Person make Claim to the same in the Secretary's Office or Precinct before the next General Court following the Death of the Intestate before which time Administration shall not be granted to any person. And for want of such of the Greatest Creditor proving his Debt upon Oath before the Governor or Commander in Chief for the time being the General or Precinct Courts and in case any pretending right to Administration shall before the next General Court following the death of such Intestate enter a Caveat in the Secretary's Office against any other persons having Administration the Secretary or his Deputy shall forbear to Seal or Countersign any Letter of Administration till the case in Controversie shall be heard & determined by the Governor or Commander in Chief & Council for the time being.

XIII. And Be It Further Enacted by the Authority afores'd that Creditors of any person Deceased shall make their Claim within Seven years after the Death of such Debtor or otherwise such Creditor shall be forever Barred And if it shall happen that any sum or sums of Money shall hereafter remain in the hands of any Administrator after the terms of seven years shall be

expired & not recovered by any of Kinn to the Deceased or by any Creditor in that time the same shall be paid to the Church Wardens & Vestry to & for the Use of the Parish where the said money shall remain.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER XLIX.

An Act Concerning Orphans.

I. Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Proprietors of the Province of Carolina by & with the Advice & Consent of the rest of the Members of the General Assembly now met at Little River for the No. East part of the said Province & by the Authority of the same.

II. It Is Hereby Enacted that from & after the Ratification of this Act no person or persons whatsoever shall give or bind any children or Orphans nor shall any person take or receive any Children or Orphans so given or bound (unless the same be from the parents) without the leave or consent of the Precinct Court where such Orphans shall reside or dwell under the Penalty of Twenty pounds One half to be paid to & for the use of such Orphan the other halfe to him or them that will sue for the same.

III. And Be It Further Enacted by the Authority of the same that the Precinct Courts are hereby Authorized & Impowered to Grant Letters of Tuition or Guardianship to such persons as they shall think proper for the care of bringing up Education of all Orphans & for the taking care of their Estates of all which Guardians so by them appointed they shall take good Security for the due performance of their office or trust. And if the said Courts or any of them shall neglect to perform the Powers & Authorities by this Act given then the members of those Courts so neglecting their Duty shall be Lyable to make good all Damages that shall happen by such their Omission to any child or Orphan.

IV. And Be It Further Enacted by the Authority afors'd that all Orphans shall be Educated & provided for according to their Rank & degree out of the Income or Interest of their Estate & Stock if the same will be sufficient Otherwise such Oprhan shall be bound Apprentice to some Handycraft Trade (the Master or Mistress of such Orphan not being of the Profession of the People called Quakers) till they shall come of Age unless some of kin to such Orphan will undertake to maintain & Educate him or them for the interest or income of his or her Estate without Diminution of the Principal whether the same be great or small shall be always delivered to the Orphan when at Age.

V. And Be It Further Enacted by the Authority afors'd that all Horses, Cattle, Sheep & Hoggs shall be returned by the Guardian in the kind received & according to the Age & number when they were Received And All Plate & Money shall be Preserved & Delivered in kind according to Weight & Quantity And all Slaves & their Increase (Mortality Excepted) shall be delivered when the Orphan comes at Age But all Other Household Stuffs & Lumber that may grow worse before the Orphan may come of Age shall by

Order of Court be sold at Publick Outery & the Moneys Arising therefrom paid by the Guardian to the Orphan when at Age in some of the Rated Commodities of the Government.

VI. And Be It Further Enacted by the Authority afores'd that where any Widow or Orphan shal commence any suit for Moneys or other Legacys due to them by Force of any Will or other Gift or due to them from any Intestate Estate the said Court shall administer an Oath to the Debtr. or Debtrs. & if he or they shall refuse to answer upon Oath the Court shall proceed to give Judgment for the Plantf. for Double the sum as shall be made appear to be due.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER L.

An Act to Encourage the Destroying of Vermin.

I. Whereas the Encrease of Vermin has of late appeared to have been very prejudicial to the Inhabitants of this Government by destroying Stocks of Cattle, Hogs & Sheep which for want of due Encouragement is now wholly unregarded,

II. Be It Therefore Enacted by his Excellency the Pallatine & the rest of the True & Absolute Lords Props. of Carolina By & with the Advice & Consent of the Present General Assembly now met at Little River for the No. East part of the said Province.

III. And It Is Hereby Enacted that whosoever after the Ratification of this Act by Gun, Snare, or trap or by any other Way or Means whatsoever kill & destroy any of the following Vermin shall for every one so destroyed take & receive out of the Publick Treasury therefor the sèveral Premiums hereafter mentioned viz. for every Wolfe taken in a Trap or Snare the sum of Ten Shillings for every Wolfe killed with a Gun or Dogge Five Shillings for every Panther Ten Shillings for Every Wild Cat Two Shillings & six pence which several Premiums afore mentioned shall be paid by each and respective Precinct Treasurer upon Certificate of next Commissioner how the said Vermin were destroyed who is hereby required & impowered to grant the same Proof thereof being first made before him by producing the Head with the Eares on And Oath of the party how the same was destroyed. If the said Magistrate shall find it necessary to administer the same.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN FOSTER,
T. KNIGHT.

CHAPTER LI.

(Repealed by Act 2 April, 1743, Ch. 2.)

An Act to Ascertain what persons are Tythables and to Direct the Method to be observed in taking the List of them.

I. Whereas many Doubts have & do arise at what Age persons in this Country shall be reputed Tythables For the removing thereof for the time to come.

II. Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of this Present General Assembly now met at Little River for the No East part of said Province.

III. And It Is Hereby Enacted that all Males not being Slaves in this Government shall be Tythable at the Age of Sixteen Years And All Slaves Male or Female, either Imported or born in the Country shall be Tythable at the Age of Twelve Years.

IV. And Be It Further Enacted by the Authority afors'd that each & every Constable within this Government shall & they are hereby Impowered Required & Commanded some time within Five Days next following after the Tenth Day of June yearly to go from house to house to take an exect List from all the persons Inhabiting & residing within his, their or every of their Districts, Constabery or Liberty of the Number, Name & Quality of the Tythables residing within the same which before the Fifth Day of August yearly then next following together with a List of such Tythables as they shall believe to be concealed make return upon Oath to the Treasurer of the Precinct (which Oath the said Treasurer is hereby Impowered to Administer) under the Penalty of Five pounds for every neglect which said sum shall be to the use of the parish & shall be Levied by Warrant from any Justice of the Peace upon Certificate thereof to him made by the Respective Precinct Treasurer of any Constable having made Default therein.

V. And Be It Further Enacted that every Constable for his service therein shall during the Continuance of this Act be exempt from the payment of levys for his own person & they are hereby Exempted.

VI. And Be It Further Enacted that whatever Householder shall conceal or refuse to deliver to the said Constable a true List of every Tythable person dwelling or residing in his house whose Levy he shall be & he is hereby made chargeable with on the said Tenth day of June yearly, such person or persons so offending shall forfeit & pay the sum of Five pounds for every Tythable so concealed & refuse to be delivered in One halfe to the Informer and the other halfe to the vestry for the use of the Parish wherein the said offender shall reside to be recovered by Bill, Plaint or Information in any Court of Record within this Government wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

VII. And Be It Further Enacted by the Authority afors'd that each & every Constable in this Government shall on or before the Tenth day of February next take an exact account from every person within their Limitts or division of the number of Tythables in their respective divisions & deliver the same to the Treasurer of the Precinct on or before the first day of March following. That the Treasurer may be able to discover such as shall neglect to pay their Poll money for this year.

And all and every person or persons that shall refuse to give an Account to the Constable of the number of Tythables and every Constable that

shall neglect to do his duty herein shall incurr the same Penaltys and Forfeitures as before in this Act is ascertained.

CHAPTER LII.

An Act for Appointing a Town in the County of Bath and for Securing the Publick Library belonging to St. Thomas's Parish in Pamptecough.

I. Whereas at the request of Mr. John Lardson, Mr. Joel Martin and others a certain Tract of Land purchased by themselves lying in the Old Town Creek in Pampticoe & containing by estimation Sixty Acres be the same more or less being part of a larger Tract then belonging to one David Perkins but now in the tenure & Possession and of right belonging to Col. Thomas Cary & divided from thence by a Headline of Marked Trees from the Old Town Creek to Mr. Barrow's line, now also the right & Possession of the said Cary, was Incorporated & made a Township by an Act of the General Assembly made and Ratified at the House of Capt. John Hecklefield the 8th day of March, 1705, With divers privileges & immunities therein granted which said land was therein & thereby Invested in the same John Dawson, Joel Martin & Nicholas Daw to and for the uses afors'd.

II. And Whereas Damage may accrue to the further Settlement & Increase of the said Town for want of Trustees to dispose of Lotts & a Better Regulation of the Methods to be observed in settling the same. To promote therefore as much as may be the Settlement, Growth & Increase we pray that it may be Enacted.

III. And Be It Enacted by His Excellency the Pallatine & the rest of the True & Absolute Lords Props. of Carolina by & with the Advice & Consent of this present General Assembly now met at Little River for the No. East part of the said Province & by the Authority of the same that the said land be & it is hereby henceforward Invested in Mr. John Porter, Mr. Joel Martin, Mr. Thomas Harding & Capt. John Drinkwater or any two of them to & for the use afors'd & declared confirmed & incorporated into a Township by the name of Bath Town with all priviledges & Immunities hereafter Exprest forever Pursuant to which it is hereby Enacted that convenient places & proportions of Lands be laid out & preserved for a Church, A Town-House & a Market Place & that the rest of the Land which is not already laid out be forthwith laid out into lotts of halfe an Acre each with convenient streets & Passages by the said Trustees or any Two of them.

IV. And Be It Further Enacted by the Authority afors'd that every person whatsoever who is willing or desirous to be an Inhabitant of the said Town shall have liberty to take up any Lott or Lotts so laid out as afors'd and not before taken up which Lott or Lotts the Commisrs. Afore appointed or any two of them are hereby Directed, Required & Impowered to Grant, Convey & Acknowledge to the persons so taking up the same and to his Heirs & Assigns Forever in Fee simple upon payment of Thirty shillings consideration for each Lott out of which money the first purchasers shall be Reimbursed the first purchase with their reasonable charges & disbursements and the overplus shall be appropriated to the use of the Church to be disposed of as by the Vestry of the Precinct of Beaufort shall from time to time be directed and appointed.

V. Provided always that what person soever shall take up & have conveyed to him any Lott or Lotts as aforementioned and shall not Build or

cause to be built thereon within twelve months after the date of the said conveyance a good substantial habitable house or make such preparation for so doing as the Court of the Precinct by View of any two or more of them shall judge reasonable to secure the same every such conveyance shall be and it is hereby declared Void and of None Effect as if the same had never been made and the said Lott or Lotts shall be free & clear for any other person to take up & purchase.

VI. And Be It Further Enacted by the Authority afores'd that from & after the first day of April next no person or persons Whatsoever Inhabitant or Claiming any Right or Title to any Lott in the said Town shall keep Raise or suffer or permit to run at large in the said Town any Hogs or Shoates other than such that shall be kept in close Penns or houses under Penalty of forfeiting the said Hogs or Shoate one half to the person taking up such hogg or Shoate the other half to ye poor of the parish. And that no persons Inhabitants of the said Town or holding Lotts there shall inclose the same or keep the same Enclosed in the said Town under a Common Stake fence but every Lott or Lotts so enclosed shall be either Pail'd in or done with Posts and Rails set up.

VIII. And Be It Further Enacted by the Authority afores'd that the Commrs. afores'd or any two of them have full Power & Authority and they are hereby Required, Impowered & Commanded to Remove all Nuisances within the limits of the afores'd Town.

And because in the former Survey of Lotts that are already surveyed each Lott contains four Pole more than was warranted by the Act of Assembly for laying out the afores'd Town land & also the Trustees for granting the afores'd Lotts have signed Sales for the Lands lying before the Fronts of the Lotts Contrary to the Authority Granted them Wherefore that the same may be Regulated and a Plott thereof made so as the streets in the Town may Answer with the Lotts intended to be laid out of the Land belonging to Coll. Thos. Cary adjoining thereto.

IX. Be It Enacted that a Resurvey be made of the afores'd Town Lands by order of the Commrs. aforementioned and that each & every person holding Lands or Lots in the Town afores'd shall have no more in the Lotts than just halfe an acre Pursuant to the first Intention & design of settling the afores'd Town still reserving to the Owner or Possessors of all Lotts in the aforesaid Town the Land lying before the Front of their Lotts upon Payment of Tenn Shillings for every such Front to the Commissioners in this Act appointed who are hereby Authorized & Required to grant Seale & deliver Deeds of Sales for the same.

X. Provided that the Principal Streets in the said Town shall be one Hundred foot wide at least & that no person shall Build or Erect any Edifice, house or Building on the Lands lying before the fronts other than Cellars or Vaults whose covering shall not be above Ten foot above the ground that the Prospect of such as build in the said Town may not be Incommoded or hindered.

XI. And Be It Further Enacted by the Authority afores'd that the Church for the Parish of St. Thomas & the Court house for the Precinct of Beaufort & Hyde shall be built in the said Town on the several Proportions or lotts of land laid out for those purposes. And that the Provost Marshall of the County of Bath and the Clerk of the Court for the Precinct of Beaufort shall keep their Respective Offices in the said Town under the Penalty of Five Pounds for every month he or they shall omit or neglect so to keep the same One halfe to the Informer and the other halfe to the Justices of

the said precinct towards the finishing or repairing the Court house to be recovered by Action of Debt, Bill, Complaint or Information wherein no Protection, Injunction or Wager of Law shall be allowed or admitted of.

XII. And Be It Further Enacted by the Authority aforesaid that the Justices of the Court aforesaid shall have full power & authority to Levy or cause to be Levied any Sum or Sums of Money not exceeding one hundred pounds in the whole upon the Inhabitants of Estates in the Precinct aforesaid for & towards the Erecting and Building the Court House afore mentioned which the said Justices are hereby required, impowered & Commanded to cause to be built & finished with all convenient Speed and as soon as the circumstances of the Inhabitants will admit of raising the aforesaid Sum.

XIII. And as a Further Encouragement to the Settlement of the said Town Be It Also Enacted by the Authority aforesaid that all Musters for the Precinct of Beaufort, Election of Burgesses and all Business & affairs of the like nature which properly belong to the said precinct shall be had taken down & transacted within the said Town of Bath and in no other place or places whatsoever.

XIV. And Be It Further Enacted by the Authority aforesaid that all Li- quors which are (*bona fide*) the Growth, Produce & Manufacture of the County of Bath shall & may be Retailled in Town for the Space of Tenn years next after the Ratification of this Act by any Freeholder or Inhabitant of the said Town without any Licence or other permit for so doing Subject nevertheless to the several Penalties, Forfeitures and Restrictions as by the Law Intituled (Ordinary Keepers how to sell) are made & provided And Whereas divers persons possessed of Lotts in the said Town do wholly neglect Clearing the same & others do permitt such as have been cleared to Grow up in Brush and underwood to the Great Annoyance of the Inhabitants of the Town.

XV. Be It Further Enacted by the Authority aforesaid that all persons, Possessors or owners of Lotts in the said Town shall and they are hereby Possessors within One month after the Ratification of this Act to take Care and Clear all such Lotts so held or possessed by them from all manner of Wood, underwood, Brush or Grubs that are or may be Offensive to the said Inhabitants and shall so keep and maintain the same from time to time and all times hereafter as often as need shall Require under the several Penaltys and Forfeitures hereafter in this Act Provided.

XVI. And Be It Further Enacted by the Authority aforesaid that all and every Proprietor, Owner or Possessor of such Lott or Lotts who shall omit thro' negligence to clear the same within the time before limited shall be Lyable & obliged to pay the full value of the Charge of Clearing the said Lotts to William Sigley who is hereby Appointed, Authorized & Impowered to Clear all such Lotts as shall after the time afore limited lye uncleared and Neglected the Value of which Work shall be adjudged by two Freeholders Inhabitants of the said Town (Being first sworn before some Magistrate) and shall be recovered in any Court of Record within this Government or before Justices of the Peace if under the sum of Forty Shillings as in the Act for Tryal of mean Causes is Provided by Bill, Complaint or Information wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

XVII. And in Case the said William Sigley shall Dye or depart the Government or shall refuse or neglect to Act therein as by this Act is directed the said Commisrs, or any two of them are hereby fully Authorized and Impowered to be Overseers & Inspectors of the said work and to agree with

Proper Persons for the Performance of it and to Ascertain the Value thereof to be recovered (on refusal) by the party performing the said work in manner as is before in this Act directed.

XVIII. And Be It Further Enacted by the Authority aforesaid that in Case of the death or departure out of the Government of any of the afores'd Commrs. for the Town at any time or times and at all times hereafter the Remaining part of the said Commrs. Together with the Commrs. of Court are hereby fully Authorized & Impowered to make choice of some other person or persons to succeed such Commissioner or Commissioners so dying or departing as aforesaid which person or Persons so Elected & chosen shall and they are hereby Invested with as full Power & Authority to all Intents & purposes whatsoever as the present Commissioners now herein Nominated and appointed that so the full number of Commissioners may be always kept up and full.

XIX. And whereas at the Promotion of the Revt. Doctr. Thos. Bray a Library hath been sent over to Bath Town for the use of the Inhabitants of the Parish of St. Thomas's in Pampticough and it is justly Feared that the Books belonging to the same will Quickly be Imbezeled, Damaged or Lost except a Law be provided for the more effectual preservation of the same.

XX. Be It Therefore Enacted by the Authority aforesaid that the said Library shall be Continued & Remain in the hands, Custody and Possession of a Library Keeper to be Elected, nominated & appointed by the Comrs. hereafter by this Act appointed or the Major part of them which said Library Keeper is and shall be hereby Bound & obliged to keep & preserve the Several and respective Books therein from Waste, Damages, Imbezlmnts. and all other destructions (fire and all other unavoidable accidents only Excepted) and is and shall be hereby Accountable for the same and every Book thereof to the Commrs. hereafter nominated. And to that end & purpose the said Library Keeper shall pass two Receipts for the Library aforesaid one to the Commrs. hereafter named and the other to the Church Wardens of the said Parish for the time being in which Receipts the Title of each Book shall be Inserted and in case all or any of the Books is or shall be found to be wasted, Damaged or Imbezeled or other wise destroyed (except as before excepted) The said Library Keeper his Heirs, Exers. and Adms. are and shall be hereby bound and obliged to Answer double the value for the same And the said Commissioners are hereby Impowered to sue for the same, in any Court of Record in this Province by Bill, Plaint, or Information or other Action wherein no Essoign, Protection, Injunction, or Wager of Law shall be allowed. And what thereby shall be Recovered (reasonable charges and Expences deducted) to imploy & dispose towards the Compleating and perfecting the aforesaid Library so wasted, Endamaged, Embezeled or other wise destroyed within the space of Twelve Months after such Recovery.

XXI. And Be It Further Enacted by the Authority aforesaid that in case of Death or removal of said Library keeper the respective Church Wardens of Beaufort Precinct shall Immediately take into their hands, Custody & Possession & safe keeping all the Books belonging to the said Library and shall be answerable for the same to the Commrs. hereinafter nominated.

XXII. And Be It Further Enacted by the Authority aforesaid that the Church Wardens of Beaufort Precinct upon the Receiving of the Books belonging to the said Library into their Custody shall compare the same with the Catalogue and Receipt for the same in their Custody and if any of the books are Wanting or damaged they shall give an account thereof in Twenty days at Furthest to the Commissioners hereafter mentioned who are Im-

powered to sue the said Library Keeper or in case of his Death his Excers., or Adminrs. for the same as afors'd And in Case the said Church Wardens refuse or neglect to give such account then the said Church Wardens, their Heirs, Excers., or Adminrs., and every of them are hereby made Accountable to the Commisrs., hereafter named for all the Books belonging to the said Library and Contained in the Catalogue thereof.

XXIII. And Be It Further Enacted by the Authority afors'd that the said Commisrs or any Five of them within Twenty days after such Notice given shall forthwith proceed to the Election of another Library Keeper to whose Custody and safe keeping the said Library and every Book therein Contained shall be forthwith delivered by the said Church Wardens by order of the said Commrs. which said Library Keeper so Elected shall continue in the same Office unless removed by the said Commrs., or the Major part of them (Which they are upon a Just Occasion hereby Impowered to do) or untill the Settlement of a Minister in the said Parish which said Minister or Incumbent shall (exofficio) be Library Keeper and shall be Answerable for the same to the Commrs afores'd in manner as is by this Act directed. Provided always that the said Library shall not be removed out of Bath Town other than to the Incumbents House and not thither without Liberty first had & Obtained from the said Commissioners or the Major part of them.

XXIV. And Be It Further Enacted by the Authority aforesaid that the Inhabitants of Beaufort precinct shall have Liberty to Borrow any Book out of the said Library giving a Receipt for the same to the Library Keeper for time being with a promise to return the said Book or Books; if a Folio in Four Months time, if a Quarto, in two months time, if an Octavo or under in a month's time upon the Penalty of paying three times the full value of the said Book or Books so borrowed in case of failure in returning the same And the said Library keeper is hereby obliged to enter such Receipt in a book to be fairly kept for that purpose and upon the return of any Book or Books so lent shall note it returned on the opposite side or Collum of the said book and not cross & blot the same. And in case the person that Borrows any Books out of the said Library doth refuse to return the same or doth Damnify the said Book, upon Complaint thereof Given by the said Library keeper, his Exectrs. or Admnrs., to two or more of the Commissioners and by them or any five of them to the Chief Justice of this Province for the time being or any two Justices of the Peace it shall be Lawfull & the said Chief Justice or any two Justices are hereby Impowered and Required by Warrant of Distress directed to any of the Constables of the said Precinct to levy three times the Value of such Book or Books on the Goods & Chattels of the person so refusing to deliver or damnifying the same and for want of such distress to Commit the person to prison till satisfaction be made by the said Library keeper.

XXV. And Be It Further Enacted by the Authority afors'd that the Commrs. hereafter named shall make or cause to be made Several catalogues of all and Singular the Books in the said Library and the same being fairly Written & Signed by the said Commrs., or some five of them, One to be Entered upon Record in the Secretary's Office of this Province, one to be in the Custody and for the use of the Commisrs., hereafter named under which the Library keeper shall sign a Receipt for the Respective Books, one to be in the Custody of the Church Wardens of Beaufort Precinct for the time being under which the Library keeper shall also sign a Receipt for the Respective Books and one to be fairly entered in a Book for that purpose to be

kept by the Library keeper in the said Library that so any person may know what Books are Contained therein.

XXVI. And Be It Further Enacted by the Authority afores'd that the Commisrs. or any five of them hereafter named after making the Exact Catalogue of all and Singular the Respective Books in the said Library shall and are hereby Impowered to appraise and rate each Book at a price certain in the Current money of this Province which Appraisement shall be an Established Rule to determine the value of the said Books in Case any suit is brought by the said Commisrs. against any person that shall detain or damnify any of the said Books or against the Library keeper his Exeecs. or Adminrs.

XXVII. And Be It Further Enacted by the Authority afores'd that the Commrs. hereafter named or any five of them shall every year on the Easter Monday yearly resort to the house where the said library shall be Kept and there Examine the Books thereof by the Catalogue & see that there be the full number & that they are not damnified or Spoyled. And therefore the Library keeper is hereby required in lending any of the said Books out of the said Library notwithstanding the time usually Allowed by this Act to oblige the said persons to return such Books as they Borrow to the said Library keeper ten days before the the said Easter Monday yearly That so all & Singular the Books belonging to the Library afores'd may be exposed to the View of the said Commisrs. the Better to enable them to judge if they be any wayes damaged or Spoyled and give their Order accordingly.

XXVIII. And Be It Further Enacted by the Authority afores'd that the Hon. Chas. Eden, Esqr., present Governor and the Governor and Commander in Chief for the time being, the Members of the Council for the time being, Christopher Gale, Esqr., Chief Justice and the Chief Justice for the time being, Tobias Knight, Esqr., Secretary for the time being, Col. Edwd. Moseley, Speaker of this present Assembly and the Speaker for the time being, Daniel Richardson, Esqr., Attorney Genl. for the time being, the Members of the Precinct Court for the time being Capt. Fred Jones, Mr. John Porter, Mr. Joel Martin, Capt. John Drinkwater, Mr. John Clark, Mr. Patrick Maule, Mr. Thos. Worsley, Mr. Lionel Reading, Mr. James Lee, Mr. Thos. Harding, or any five of them, are hereby Nominated to be Commrs. and Trustees for the due Inspection and Preservation of the Library Aforesaid and all and Singular the Respective Books to the same belonging and they or any five of them shall have power to Commence or bring any Suit or Action Given by this Act.

And in Case of Death or Absence of any of the Comissrs. who are by this Act particularly Appointed then the Surviving Comissrs. or any five of them at their next Meeting after such Vacancy are hereby fully Authorized and Impowered to make Choice of another in the place and stead of him or them who shall be dead or Absented which said Comissrs. so Elected shall be Invested with the same Authority as if he had been before in this Act particularly named and appointed.

XXIX. And Be It Further Enacted by the Authority afores'd that the Commis. above named or any five of them after having Examined the Respective Books belonging to the Library afores'd if they find any Books wanting shall Summons such persons as have the said Books in their Custody to deliver the same within Twenty days after such Notice in Writing Left with the persons or at his usual place of Abode and in case any person shall faile or Refuse to deliver the said Respective Books to the said Comissrs. then the said Comissrs. or any Five of them are hereby required, di-

rected & Impowered to take such Measures for the Recovery of the same or Treble the Value thereof as is before by this Act prescribed.

XXX. And Be It Further Enacted by the Authority afores'd that all persons that have Borrowed or have in the Custody any of the Books belonging to the Library aforesaid shall on or before the next Easter Monday return the Same to the present Library keeper upon Penalty of the Forfeiture of Treble the Value of each Book not returned as aforesaid the better to Enable the Commissrs, before named to make a perfect Catalogue of the Books belonging to the Library.

XXXI. And Be It Further Enacted by the Authority aforesaid that for the Further Encouragement of this Town of Bath and all other Towns now or hereafter Built within this Government it shall and may be Lawfull for the Freeholders of the said Town of Bath and of all other Towns now or hereafter Built or to be Built within this Government at all times hereafter when Representatives or Burgesses are to be chosen for the Precinct wherein the Town Lyes to Elect one Burgess to represent the same in all succeeding Assemblys. Provided that this Election for Members of Assembly to serve for the Town of Bath or any other Town Whatsoever shall not begin nor Commence till such Town shall have at Least Sixty Families.

XXXII. Provided also that nothing in this Act shall be held or taken to limit or hinder the Inhabitants of New Berne from sending a Representative to the Assembly, such Representative being hereby Allowed altho' there should not be Sixty families Inhabiting in the said Town.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

**An Act concerning Ordinary Keepers And Tippling houses.
CHAPTER LIII.**

(Repealed by Act 4 April, 1741, ch. 20.)

I. Whereas the Extortion of Ordinary Keepers and others Retailing Liquors in the rates and Measures of Drink by them Retailled hath given Cause of great Complaint for the Prevention whereof for the time to come Be It Enacted by his Excellency the Pallatine and the rest of the True & Absolute Lords props. of Carolina by & with the Advice and Consent of the Rest of the Members of the General Assembly now met at Little River for the No. East part of the said Province and the Authority of the same.

II. And It Is Hereby Enacted that no person or persons whatsoever after Publication of this Act shall Vend or sell by Retaile any Wine, Beer or other strong drink by any other than English sealed Measures (that is to say) Pints, Quarts, Bottles and Gallons which said Measures every person keeping an ordinary or Retailing Liquor as aforesaid shall within six months after the Ratification hereof furnish himself with all under the Penalty of Five pounds, one halfe to the Informer and the other halfe to the Publick to be recovered in any Court of Record within this Government by Bill, Plaint or Information wherein no Essoign, Protection, Injunction or Wager of Law shall be Allowed or Admitted of.

III. Provided always that it shall and may be Lawfull to sell, Vend or otherwise to dispose of English Strong waters, Ale, Beer, Cyder, Wine or any

other Liquors which shall be (bona Fide) Imported into this Government in Bottles in the same vessels it Shall be Imported in, any thing herein before Contained to the Contrary notwithstanding.

IV. And Be It Further Enacted by the Authority aforesaid that for the Better prevention of Riots and disorders in Ordinaries and other places where drink is Retailed no person or Persons whatsoever shall presume to keep any Ordinaries or Tippling houses or to dispose of any Liquors by Retaile to be drunk or Spent in the Retailor's house without Licence first had and Obtained for so doing from the Gov'r, Deputy Governor, President or commander in Chief for the time being before whom Bond shall be Given for the due Observance of this Law and all such other Laws and Statutes as are and ought to be kept and Observed by persons retailing Liquors within the Kingdom of Great Britain under the Penalty of Forty shillings, one halfe to the Informer and the other halfe to the Publick to be recovered as aforesaid.

V. And Be It Further Enacted by the Authority aforesaid that no Ordinary Keeper or other person Retailing Liquors within this Province shall presume to sell or Vend any strong Beer of his own Brewing or Manufacture or any Cyder unboyled for more than one Shilling and Six pence for each Gallon nor any other Liquors whatsoever for more than Cent per Cent upon the first Cost or Value of the Liquors so sold (the value thereof to be adjudged and Esteemed according to the Current price the same Liquor shall be then sold at by the Merchant Traders) nor shall demand or take above Twelve pence for a Meal either in time of court or in any other time under the Penalty of forfeiting Treble the value of all Moneys demanded and taken Contrary to this Act to be recovered as aforesaid to the uses aforesaid, provided always that nothing in this Act shall be adjudged to hinder any Man from selling Cyder or other Liquors the produce of his own plantation at any time hereafter by full & Lawfull Measures (the same not being drank in the cellar house or plantation) any thing before Contained to the Contrary notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LIV.

An Act ascertaining the Currency of Dollars.

I. We Pray that it may be Enacted And Be It Enacted by his Excellency the Pallatine and the Rest of the True & Absolute Lords Proprs. of Carolina by and with the Advice & Consent of this present General Assembly now met at Little River for the North East part of the said Province and the Authority thereof.

II. And It Is Hereby Enacted that all Lyon Dollars shall pass Current in all payments within this Province and be Deemed Equal to three Bushalls of Indyan Corn and so proportionatly for any other of the Rated Comoditys.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LV.

(Repealed by Act 4 April, 1741, ch. 16.)

An Act for Ascertaining the Damage upon Protested Bills of Exchange.

I. Whereas in Conformity to our Neighbouring Govern't's, and for the better Encouragement of Trade it is found Expedient that the Damage upon Protested Bills of Exchange be Ascertained so that all future Contest thereupon may be prevented We Pray that it may be Enacted.

II. And Be It Enacted by his Excellency the Pallatine and the Rest of the True and Absolute Lords Proprietors of Carolina by and with the Consent and Advice of this present General Assembly now met at Little River for the East Part of the Province and the Authority of the same.

III. And It Is Hereby Enacted that the Damages on all Protested Bills of Exchange drawn on any Person in the Kingdom of Great Britain or Elsewhere which shall be returned, protested in this Province shall be sixteen per Cent upon the first draught in the Same Money or Specie for which the said Bills are or shall be drawn with Costs accruing and shall be Recoverable therewith in any Court of Record within this Government.

EDW'D MOSELEY,
Speaker.

CHAS. EDEY,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LVI.

Publick Letters, how to be conveyed.

I. Whereas the remoteness of divers places in this Government and the Necessity of Communicating divers Business to the utmost Limits of it would if Messengers were Pressed be an Annual Great Expense for prevention and for the more Speedy Conveyance of all such Letters Be It Enacted by his Excellency the Pallatine and the Rest of the True & Absolute Lords Proprs. of Carolina by and with the Advice & Consent of this present General Assembly now met at Little River for the North East part of the said Province and the Authority thereof.

II. And It Is Hereby Enacted that all Letters superscribed for his Majestie's service directed to or Subsigned by the Governor or other Publick Officer or by some Field Officer in the Militia at such time when the Government is Actually Engaged in War against the Indyan Enemie shall be Immediately Conveyed from Plantation to plantation to the place & persons to whom they are directed under the Penalty of Five pounds for each default one halfe to the Government and the other half to him or them which shall Sue for the same to be recovered in any Court of Record within this Government wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or Admitted of.

III. And Be It Further Enacted that if any persons shall be put to extraordinary charge the Court of each Precinct is hereby Authorized to Judge thereof and make Certificate of the same to the General Assembly.

IV. And Be It Further Enacted by the Authority aforesaid that where

any person in the family the said Letter comes to can write such person is hereby required to Endorse the day and houre of the Receipt of it that the Neglect or Contempt of any person therein may be the better discovered and Punishment Inflicted accordingly.

V. And Be It Further Enacted that all and every his Majesty's Subjects within this Government are hereby required to put this Act in Execution upon Paine of the Penalty aforesaid.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LVII.

(Repealed by Act 4 April, 1742, ch. 13.)

An Act To Prevent the taking Boats, Cannoes and Perriaugers from Landings without Leave.

I. Whereas the Practise of taking Boats, Cannoes and Perriaugers from people's Landings without leave is become so usual and Common that the owners thereof are not only thereof deprived of the use thereof but are very often put to Considerable Expense in procuring them again for the Prevention of the like practises in time to come.

II. Be It Enacted by his Excellency the Pallatine and the Rest of the True & Absolute Lords Proprs. of Carolina by & with the Advice & Consent of this Present General Assembly now met at Little River for the No. East part of the said Province.

III. And It Is Hereby Enacted that on and after the Ratification of this Act that no person whatsoever unless such as are Impowered so to do and produce an Authority for the same on his Majesty's Service shall presume to unloose, take or carry away any Boat, Canoe or Perriauger from the place of her Anchorage or from any Landing or Landings without leave he first have obtained for so doing from the owner or legal possessor thereof under the Penalty of Forty Shillings for each default, one halfe to the Informer and the other halfe to the owner of such Boat, Canoe or Perriauger to be recovered by action of debt or otherwise in such manner as by the Act for Trying Small and mean causes is directed and provided.

IV. And Be It Further Enacted by the Authority aforesaid that if any person on so offending shall refuse to pay the sum of forty Shillings after conviction or recovery thereof or shall be Insolvent it shall be in the Power of such Justices to punish the Offender by setting in the stocks and publick whipping not exceeding Tenn Lashes. And in case the party so offending and convicted shall be a slave or servant every such slave or servant shall be publickly whipt not Exceeding Twenty Lashes by order of the said Justices in manner as before directed unless the Master or owner of such slave or servant will pay the aforementioned fine in Lieu thereof for the uses aforesaid.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LVIII.

(Repealed by Act 4 Apr., 1741, ch. 13.)

An Act Ascertaining Officers' Fees.

I. Be It Enacted by his Excellency the Pallatine and the Rest of the True & Absolute Lords Proprietors of Carolina by and with the Advice & Consent of this Present General Assembly now met at Little River for the North East part of the said province.

II. And It Is Hereby Enacted by the Authority of the same that all Fees due to the several and respective Offices hereafter mentioned shall be as followeth. Viz.

GOVERNOR'S FEES.

The first four Articles to be paid in Pork or Silver.

	£	s.	d.
For entering and Clearing deck Vessels.			
Boats or Canoes of the Country if bound to Foreign parts.....		2	0
For entering and clearing Deck belonging to the Country.....		5	0
For entering and clearing Foreign Vessels	1	2	0
For Marriage License		10	0
For Signing a Testimonial under the Colony Seal.....		10	0
For Signing a Probat of a Will.....		10	0
For signing a <i>Supersedeas</i>		5	0
For Signing letters of Administ'n.....		10	0
Ordinary Keepers Licenses at the precinct Court.....	2	0	0
Ordinary Keepers Licenses at the General Court.....	4	0	0
Signing a Register for open Vessels		5	0
Signing a Register for Deck'd Vessels.....		10	0
For Letters patents for Denization		10	0
For Signing Sales of Land for Purchase Patents 640 Acres.....		10	0
For Sales of above 640 Acres	1	10	0
For a Warrant of Apprisement		5	0
For signing a Divorce in Chancery.....		5	0
For an Injunction in Chancery		5	0
For taking Bond of Masters of Vessels.....		5	0
Bond in order to obtain a pass for people going out of the Country to be paid to the Naval Officer.		5	0

COLLECTOR'S FEES.

	£	s.	d.
For Entering and Clearing.			
Foreign Vessels.		12	6
For Entering and Clearing open Vessels of the Country.		2	6
For entering and clearing Deck'd Vessels of the Country.....		5	0
For Certificate upon the change of a Master.		2	6
For Recording of a Register		5	0
For Writing of a Register		2	6

SURVEYOR'S FEES.

	£	s.	d.
Surveying 1000 Acres & under.....	1	13	4
For every hundred above a 1000.....		2	0

SECRETARY'S FEES.

	£	s.	d.
For a patent in paper and recording	9	0	
A patent in parchment and recording	11		
A Warrant for surveying land & Return	5	2	
Recording the Surveyor's return.....	5	0	
Recording Assignments for Warrants.....	1	0	
Registering and escheats to be paid out of the fine.....	1	0	
A Certificate of Land	1	0	
Probate of Wills & Recording.....	5	0	
Recording the Will & Copy for Probate.....	5	0	
Commission of Administration.....	5	0	
Inventory of Appraisement and recording	2	6	
Copy of an Inventory.....	2	6	
Every Commission of the Peace and recording.....	5	6	
<i>A Dedimus Protestatem.</i>	2	6	
A Copy of a Patent	1	0	
Registering a Corroner's Return.....	1	6	
A writ of Error to be paid where it issues from	2	0	
A <i>Supersedeas</i> to be paid to the person on granting.....	2	0	
Drawing a Bill of Indictment to be paid to ye Clerk of ye Crown....	2	6	
Copy to be paid to ye Clerk of ye Crown.....	2	0	
Fileing information.....	2	6	
Copy of an Information	2	6	
Arraignment of Criminals to be paid to ye Clerk of ye Crown.....	1	0	
Letters of Denization.....	10	0	

CLERK OF THE CHANCERY'S FEES.

	£	s.	d.
Drawing a Bill in Chancery.....		5	0
Filing of Same		1	0
Copy of Same		5	0
Subpœna for the Defdt.....		2	6
Drawing an Answer		5	0
Filing the Same.....		1	0
Copy of the Same.....		5	0
Subpœna for Evidences.....	1	5	0
Injunction in Chancery		2	6
<i>Supersedeas</i> & Return.....		2	6
Copy of proceedings		2	6
Entering up the decree.....		3	0
For Calling & Dismission.....		3	0
For Drawing of an Affidavit		1	0
Copy of an Affidavit.....		1	0
Interrogatories,		1	0
Copy.....		1	0
Replication & Record		1	0
Rejoinder & Record.....		1	0

CLERK'S FEES.

	£	s.	d.
For Every Action.....		1	0
Every Writt & Return.....		2	0
Every declaration Fyleing & Copy.....		3	0

	£	s.	d.
Demurrer	1	0	0
Recording Defdts. appearance ..	1	0	0
Drawing, Filing & Recording a plea	2	0	0
Every Deposition & Filing	1	0	0
Filing every Bill & Account	1	0	0
Calling every Action	1	0	0
Recording the Vinire	1	0	0
Recording Jury's Oath & verdict	1	0	0
Entering up the Judgment	1	0	0
Every Original Order of Court	1	0	0
Every Copy.	1	0	0
Searching a Record.	1	0	0
Administering every Oath		4	
Execution & Return	3	0	
Every Summons ..	1	0	0
Every Petition	1	0	0
Attachment & Return	2	0	0
A Bond & Recording	2	0	0
Proving a Letter of Attorney & recording	4	0	0
Coppy	1	0	0
Acknowledgment of Sales of Land	2	6	
Recording a Bill or Receipt		6	
Copy of Act of Assembly	1	0	0
A <i>scire facias</i> and return	2	6	
Every <i>Retraxit</i>	1	0	0
Dismission of every Suit	1	0	0
Continuance of every Action		6	
A Reference		6	
Recording a mark	1	0	0
Proveing every Right.		4	
Return of the Certificate	1	0	0
Entry of an Appeal & copy of proceedings	5	0	0
Order	1	0	0

PUBLIC REGISTER'S FEES.

	£	s.	d.
Registering every Birth, Burial and Marriage	1	0	0
Registering a Conveyance	2	6	
Coppy thereof	2	6	

PROVOST MARSHALL'S FEES.

	£	s.	d.
An Arrest	2	4	
Whipping	1	0	0
Pilloring	1	0	0
Serving a Subpena	2	0	0
For an Attachment as for an arrest, and if further trouble to be Taxed by the Court	0	2	4
Every apprisor per day	2	2	
Serving Execution for Five pounds	5	0	0
For every pound above five		6	
Imprisonment for Debtors per day	1	0	0

	£	s.	d.
For Felons per day			6
For Summoning and Impannelling a Jury for each and every cause	1	0	
Summoning Apprisors each.		10	
Delivering a Declaration.		8	
Putting in the Stocks.	1	0	
Commitment of Criminals	5	0	
Discharge.	5	0	
Every Jurymen.		5	
Baile Bond.	2	0	

ESCHEATOR'S FEES.

	£	s.	d.
Every Inquisition & return.	3		

ATTORNEY'S FEES.

	£	s.	d.
For every cause in the General Court			10
For every Indictment or Information on a Bill found.	2	10	0
For the same in the precinct Court.		5	0

CONSTABLE'S FEES.

	£	s.	d.
For Serving a Warrant & Return.		2	0
Every Summons		1	0

ADMIRALTY FEES.

	£	s.	d.
To the Judge in Cases of open Vessels.			0
Seamen's wages not exceeding Twenty pounds.		2	0
For the first day		1	0
For every day more than one.			0

REGISTER'S FEES IN THE LIKE CASES.

	£	s.	d.
For Drawing the Libell to be paid to the Advocate		5	0
Registering the same.		5	0
Answer & Registering.		2	6
Affidavitt, Depositions & Oath as in the Court of Chancery.		2	6
For a Decree.		2	6
Copy.		2	6
Dismissing.		1	0
Continuance.		1	0
Citation		2	0
Summons for Evidence, each.		1	0

MARSHALL'S FEES IN THE COURT OF ADMIRALTY.

	£	s.	d.
Serving a Citation, Seizing & return.		5	0
Serving the Decree and return under five pounds.		10	0
For every pound above five pounds		1	0

III. And Be It Further Enacted by the Authority aforesaid that all fees not mentioned herein Relating to the Court of Admiralty shall be regulated by the Judge of the said Court (as occasion may Require) according to &

as near as may be agreeable to the fees herein before Ascertained for the Officers of the Court of Chancery & Also all other fees relating to any other Court not herein before Ascertained shall be regulated by the Justices of the said Court or any three of them who are hereby Impowered to Tax the same under their hands agreeable to the fees before herein ascertained which fees so taxed shall be Judged of equal validity with the fees before ascertained & recoverable as such until confirmed or altered by the General Assembly.

IV. And Be It Further Enacted by the Authority aforesaid that all fees due or to become Due to the Several & respective Officers within this province shall stand, remain & be as in this Act Before ascertained until repealed or altered by the General Assembly & that no officer or officers whatsoever shall presume to demand, take or receive any greater or higher fees than is herein appointed under colour of his Office under the Penalty of Twenty pounds for every defaulte, one halfe to the Informer and the other halfe to the Vestry for the use of the Precinct where such Offence shall be committed, to be Recovered in any Court of Record within this Government wherein no Essoign, protection, Injunction or Wager of Law shall be Allowed or Admitted of And for the more certain payment of all Fees arising and becoming due any publick officer in this Government for or by reason of this Execution of his said office.

V. Be It Further Enacted by the Authority aforesaid that every officer before mentioned who shall make out an Exact Account or List of his Debts due for Fees and shall attest the same upon Oath before some Magistrate to be justly due, owing and unpaid and agreeable to the foregoing Table or to such other Table as shall be made by the several & respective Courts pursuant to this Act and shall deliver the same to the Provost Marshall of the County where such shall become due on or before the 14th day of December yearly that then & in such case the Provost Marshall or his Deputy shall and they are hereby obliged to collect and receive the same at the rate of fifteen per cent.

VI. And Be It Further Enacted by the Authority aforesaid that in case any person or persons shall refuse to pay the said Marshall or his Deputy all such fees as are or shall become due to the Several and respective officers so attested and Delivered as aforesaid that then it shall & may be lawfull for the said Marshall or his Deputy at any time betwixt the 15th day of December and the last of March yearly to levy the same by way of Distress and Sale of the goods of every person so refusing.

EDW'D MOSELEY
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LXIX.

An Act for Restraining the Indyans from molesting or Injuring the Inhabitants of this Government and for Securing to the Indyans the right and property of their own lands.

I. Whereas (before ye late war) dayly and grievous Complaints of Depredations & Insults of ye Indyans were Exhibited against them by Divers persons bordering upon and residing near to ye Inhabitants of ye said Indyans

for ye prevention of ye like Disorder for ye time to come and for Cultivating a better Understanding with ye said Indyan the want of which has been so Injurious to the Government.

II. Be It Enacted by his Excellency the Pallatine, &c. And It Is Hereby Enacted that whoever shall Discover or find any Indyan or Indyan Killing, Hunting or in pursuit of any horses, Cattle or hogs the right and property whereof is in any white man Inhabitting within this Government every such person or persons on Discovery or Sight thereof may & he is hereby Impowered to apprehend every such Indyan or Indyan & him or them so apprehended & taken to Convey before Some one of the Commissioners to be appointed for Indyan affairs (& for want of such before ye nearest Magistrate) which said Commissioners or Magistrate together with the ruler or head man of the Town to which such Indyan Delinquent may belong is and are hereby Impowered to punish every such Delinquent in such manner as the nature of the offence may require and to award satisfaction to the party injured for all Damages by him Sustained (saving always the right of appeal to the Governor & Council) if either party shall think themselves agrieved or wronged thereby.

III. And Be It Further Enacted by the Authority aforesaid that if any difference shall for the future Arise between any whyte man and Indyan concerning trade or otherwise howsoever, Every such Difference shall be heard, Tryed and Determined by such Commissioners as the Governor or Commander in Chief for the time being shall appoint together with the ruler or head man of the town to which the Indyan belongs (Saving only the right of appeal as is herein before Saved & Excepted).

IV. And whereas we have too great reason to believe that disputes concerning land have already been of fatall Consequence to the peace and wellfare of this Collony.

V. Be It Further Enacted by the Authority Aforesaid that no whyte man shall for any Consideration whatsoever Purchase or buy any tract or Parcell of Land claimed or actually in possession of any Indyan without special liberty for so Doing from the Governor And Councill first had and obtained under the penalty of Twenty pounds for every hundred acres of Land so bargained for and purchased one halfe to the Informer & the other halfe to him or them which shall sue for the same to be recovered by Bill, Plaint or Information in any Court of Record within this Government wherein no Essoign, protection, Injunction nor Wager of Law shall be allowed or admitted of.

VI. And Be It Further Enacted by the Authority aforesaid that whatever whyte man shall Defraud or take from any of the Indyan his goods or shall beat or abuse or Injure his person each and every person so offending shall make full satisfaction to the party Injured and shall suffer such other punishment as he should or ought to have done had the offence been Committed to any Englishman.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LX.

Publick Treasurers to give Account for the Prevention of frauds in the Management and Disposal of Publick Moneys.

1. Be It Enacted by his Excellency the Pallatine, &c. And It Is Hereby Enacted that all persons whatsoever within this province (be they of what quality or Condition soever) that formerly have been, now are or hereafter shall be Treasurers, Collectors Or Receivers of Public Moneys now raised or hereafter to be raised by the authority of the General Assembly or who by any means have or shall for the future be possessed of the same or any part thereof shail from time to time and at all times hereafter be accountable to the General Assembly or to such Commissioners as shall or may be appointed by the Authority of the same & no other person or persons whatsoever.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER.
T. KNIGHT.

CHAPTER LXI.

(Repealed by Act 23 November, 1723, ch. 12.)

An Act for a Town on Roanoke Island for the Encouragement of Trade from Foreign parts.

I. Be It Enacted by his Excellency the Pallatine, &c. And It Is Hereby Enacted that the Surveyor General shall lay out three hundred acres of land at Roanoke Island and fronting on the water for the building and settling a Town to be by the permission and Assent of the Lords Prop'rs. Confirmed by this present Act and for the better settling and Confirming thereof.

II. It Is Hereby Enacted that the said three hundred acres of land Shall be appraised by twelve men freeholders of this Government to be nominated by the Governor & Council who being thereunto Sworn before some Justice of the peace the said land shall be invested in Capt. Richard Sanderson, his heirs and Assigns forever in fee Simple he or they paying the owner or owners of such Land according to appraisment as aforesaid & shall be continued for the use of a Township as aforesaid with the Privileges hereafter Expressed forever.

III. And It Is Hereby Further Enacted by the Authority aforesaid that the Surveyor General do at the proper Cost and charge of Capt. Richard Sanderson & his heirs Survey and lay out the aforesaid quantity of three hundred acres of Land in the place aforesaid and that Sixty acres of the said Land fronting on the water by the said Surveyor Generall at the proper cost and charge of the said Capt. Richard Sanderson and his heirs as aforesaid Surveyed and laid out for a Town in Lotts of halfe an acre each Lott with convenient Squares & places for a Church, Publick Town House and a market place with Convenient Streets and passages and the remaining part of the said three hundred acres of Land to remain and Continue for a Common to the said Town forever.

IV. And Be It Further Enacted by the Authority aforesaid that if any

person or persons shall take up one or more Lott or Lotts in any vacant place of the said Town he or they so taking up the Same Shall have a firm & Lawfull Conveyance for the same from the said Capt. Richard Sanderson & his heirs under his or their hand & Seals & in Court Acknowledge the same to him or them so taking up such Lott or Lotts, his or their heirs in fee Simple on payment of Twenty Shillings to the said Capt. Richard Sanderson or his heirs for every Such Lott So taken up.

V. And Be It Hereby Further Enacted that all and every person or persons whatsoever that by virtue of this Act take up any Lott or Lotts shall & is hereby obliged within twelve months after the Date of Such Conveyance for the Same to build on Such Lott one habitable house at least twenty foot and fifteen foot otherwise the Conveyance for the same is hereby Declared null & void to all intents & Purposes in Law as if the same had never been Given, Done or performed & then that the said Lott or Lotts not builded on within the time as aforesaid shall & may be for any other person or persons whatsoever to enter thereon.

VI. And Be It Further Enacted by the Authority aforesaid that no one person shall be allowed to take up more than two front Lotts nor keep more than two Cows in the said Town, Any thing in this Act to the Contrary in any wise notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LXII.

An Act for raising Corn to satisfy the Debt due from this Government to the Honourable Charles Craven, Esq., Governor of South Carolina; and for the Subsistance of such Forces as shall be raised for the necessary Defence of the Frontiers of this Government. Obs.

(Omitted both from Mss. Vol. and from Swann's Revisal. Ed.)

CHAPTER LXIII.

An Act for raising the sum of two thousand Pounds annually till the publick Debts are answered & paid and for the better encouraging the Currency of the Publick bills of Credit.

I. Whereas divers Irregularities and Mismanagements have been Committed in the manner of assessing the late Estate & Poll Tax which has Constrained this Assembly to think of some other Expedient for raising the sum of two thousand pounds Annually towards paying the Debts of the Government and this Assembly believing that the most safe & equal way of raising the aforesaid sum will be by a Poll Tax and a Tax upon Land which cannot be so well Levied for want of a true rent Roll of all the Land holden in this Government the want of which has been of great prejudice to this Government in General as well as to the true & Absolute Lords Proprietors in particular wherefore that a true rent roll may be taken & the

aforesaid sum of two thousand pounds annually paid by a tax on all Land held in this Government & a poll tax.

II. And It Is Hereby Enacted that every Tythable person or master of every Tythable person in this Government be assessed the sum of fifteen Shillings for every Respective Tythable and that all and every person and persons in this Government holding Lands either by Deed or Survey in their own right or as Guardians or Trustees for others shall pay the respective sum of two shillings and six penies for every Hundred acres of Land as aforesaid.

III. And Be It Further Enacted by the Authority aforesaid that the Several Sum or Sums of Money raised and to be raised on the Poll & tax as aforesaid shall be on or before the 21st day of March by the Several persons on whom it shall be assessed annually paid to the Treasurer for the time being of the precinct where he or they shall be resident until the Debts of the Government are fully answered or paid & for the more easy & Certain method of taking the rent roll of the lands in the several precincts of this Government.

IV. Be It Enacted by the Authority aforesaid that the Several Inhabitants of each respective precinct Do on or before the first day of February next ensuing and so annually on the said day give and render to the Clerk of each precinct an Exact Account and Roll or list of all such parcels of Land as they Severally hold by all or either of their tenures as aforesaid in the said precincts.

V. And Be It Further Enacted by the Authority aforesaid that the Clerk of this present Assembly Do by one or more of the members for each precinct Send a Copy of this Act to the Clerk of each precinct who shall fix a Copy of the same at the Court House door in their several precincts whereby the Inhabitants may have timely notice to give in their Lists or Land Roll & the Clerk of each precinct shall be allowed for such his trouble of taking the Land roll as aforesaid the sum of twenty five shillings.

VI. And Be It Further Enacted that if any person or persons in this Government shall Conceall or be wanting to give an Exact account of his List or Land Roll he shall forfeit and pay the sum of Tenn Shillings for every hundred acres of Land so concealed one halfe to the Informer the other halfe towards Defraying the Contingent charges of the Government to be recovered by warrant from any Justice of the Peace in the precinct where such default shall be.

VII. And Be It Further Enacted that the Clerks of the Severall precincts that shall be wanting in their Duty by this Act required of them Such Clerk or Clerks shall forfeit and pay the sum of five pounds Current Money of this province to be recovered in any Court of Record in this Government wherein no Essoign, protection or Wager of Law shall be allowed.

VIII. And Be It Further Enacted by the Authority aforesaid that if any person shall neglect or refuse by the space of three years to pay the sum of two shillings and sixpence for every hundred acres as by this Act is directed or if any Lands held in this Government shall be concealed by the space of three years and no account given into the Clerk as by this Act is Directed & it shall happen that there cannot be any thing found on the said Lands whereon to Levy the Forfeitures by this Act provided to be paid the Justices of the precinct Court where such Land shall Lye shall have full power and Authority to sell so much of the said Land as shall satisfy and pay the fines and forfeitures due by this Act and all other charges thereon & to remove all Excuses for non-payment of the funds now by this Act granted

on the arrears of such taxes as ought to have been paid before the making of this Act.

IX. Be It Enacted by the Authority aforesaid that every Treasurer who shall either by Information or his own knowledge know of any person who shall not have paid his Taxes in Due time & doth not either by himself or Deputy make Distress for the Penaltys by Law appointed or cause to be Exposed to Sale so much of the Lands of such persons as shall be sufficient to pay the arrears and charges, such Treasurer shall be answerable for all such Taxes unless Oath shall be made that such persons are Insolvent.

X. And Whereas Divers Merchants and others trading to this Province are by Divers means Discouraged from accepting the Publick bills of Credit.

XI. Wherefore that all due Encouragement be given to their Currency and that the true and absolute Lords Proprs. of this Province may be assured that this Government will punctually and annually sinck the aforesaid sum of two thousand pounds per annum till the whole sum of Bills now Current are paid into the Treasury by which means their Lordships may be Encouraged to take them for purchase of Lands.

XII. Be It Enacted that no new Bills shall hereafter be made to sinck the Bills now Current but that this Tax Do stand and Continue till the Bills now Extant are paid into the Publick Treasury.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LXIV.

An Act impowering Johanna Peterson, Widow of Thomas Peterson, late of Albemarle County, Esq., to make Sale of certain Lands, late belonging to the said Thomas Peterson; and to make other provision for Anna, the Daughter of the said Thomas Peterson, to whom the said Lands do Descend.

I. Whereas Thomas Peterson, late of Albemarle County, Esqr.; died seized and possessed in his Demense, of Fee, of, and to a certain Plantation or Tract of Land, lying in the fork of Queen Anne's Creek, in Chowan Precinct, containing, by Estimation, Four Hundred Acres, be the same more or less, butted and bounded to the Eastward on the Town Land, and to the Westward on Slocomb's Creek; and also, of, in, and to one Halfe Acre or Lot of Land in Bath Town, butting and bounding to the Southward on the Lot of Col. Xpher Gale, and to the Northward on one of the Cross streets; which said Plantation and Lot of Land, do descend unto Anna, an infant, the Daughter of the said Thomas: And Whereas Johanna, the Mother of the said Anna, by her petition preferred to this Assembly, is very willing, for the Advancement of the said Anna's Portion, to relinquish her Right of Dower of, in, and to the said Lands and Lot, provided that the same Lands and Lot may be sold, to and for the use, Benefit and Interest of the said Anna, the said Lands and Lot now having considerable Improvements thereon, which makes them valuable; which otherwise will be very much impaired and ruined before the said Anna shall come of age: Wherefore,

II. Be It Enacted, by his Excellency the Pallatine, and the rest of the true and Absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River for the North East part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Johanna be, and she is hereby impowered, to bargain, sell, alien, enfeoff, and transfer the said Plantation or tract of Land lying in the Fork of Queen Anne's Creek, in Chowan Precinct, containing, by Estimation, Four Hundred Acres, be the same more or less, butting and bounding to the Eastward on the Town Land, and to the Westward on Slocomb Creek; also one Halfe Acre or Lot of Land in Bath-Town, butting and bounding to the Southward on the Lot of Col. Xpher Gale, and to the Northward on one of the Cross Streets; or any Part or Parcel of the same; to any Person or Persons that shall be willing to give most Money for the same; to have and to hold the same to such Purchaser or Purchasers, his or their heirs and Assigns, forever.

III. And for the better securing the Mony arising by such Sale, to and for the Use, Benefit, and Interest of the said Anna, her Heirs and Assigns; It is hereby further Enacted, That immediately at and upon the Sale of the aforesaid Plantation or Tract of Land, and Lot, or any Part of the same, the said Anna shall stand and be seized in her Demense, as of Fee, of, in, and to one certain Plantation or Tract of Land, whereof the said Johanna is and now stands seized and possessed of, in Perquimons Precinct, containing, by Estimation, One Hundred and Seventy Acres, be the same more or less, situate, lying, and being on Castleton's or Laker's Creek, butting and bounding on the Lands of Inliana Lakers and Richard Skinner; to have and to hold the same Plantation or Tract of Land, to her the said Anna, her Heirs and Assigns, in Fee-Simple, with Condition that if the said Johanna do pay the said Monies arising by such Sale to the said Anna, at and upon her Arrival to the Age of Eighteen years, or Day of Marriage, or otherwise appropriating the Monies arising by the Sale of the Aforesaid Plantation or Tract of Land at the Fork of Queen Anne's Creek, and Lot aforesaid, by purchasing young Female Slaves for the Use of the said Anna; then the aforesaid Estate of the said Anna, of, in, and to the aforementioned Plantation or Tract of Land in Perquimons Precinct, to be invalid and of no Force or Effect.

CHAPTER LXV.

An Act Confirming the Titles of Sundry Persons who have, or hereafter may, purchase Lands of Col. Thomas Cary, in Bath County.

I. Whereas Col. Thomas Cary taking up and purchasing divers Lands and Plantations in Bath County, the Deeds or Patents passed for the same have been taken in the name of John Cary, an Infant son of the said Thomas Cary, although the Purchase Money, or Consideration paid for the same, was actually and *bona fide* the Monies of the said Thomas, and by him, the said Thomas, paid:

II. And Whereas the said Thomas Cary having bargained, sold, aliened, and transferred unto divers Persons, and their Heirs, several Tracts or Parcels of Land, in Bath County aforesaid, and is intended to bargain, sell, and transfer the remaining Part of the aforesaid Lands in Bath county:

III. Wherefore, for avoiding Disputes that may hereafter arise concerning

the aforesaid Title, taken in the aforesaid John Cary's Name, and for easing and quieting the Minds of such Persons as have Purchased the same, or may hereafter purchase from the said Thomas Cary, and Pursuant to the Petition of the said Thomas Cary:

IV. Be It Enacted by his Excellency the Pallatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly now met at Little River, for the North East Part of the said Province.

V. And it is Hereby Enacted, by the Authority of the same, That all and singular the Bargains, Sales, Alienations, and Conveyances, already made and passed, or hereafter to be made and passed, by the said Thomas Cary, unto any Person or Persons whatsoever, their Heirs and Assigns, of, in, and to any of the Lands, Tenements, and Plantations, in Bath County, which lately were, or now are, in the Possession or Occupation of the said Thomas Cary, and for which Deeds or Conveyances have been made and passed, to and for the use of the said John Cary, an Infant, Son of the said Thomas Cary, or in the name of the said John, shall stand, be, and forever remain, firm and available in Law and Equity, to such Purchaser or Purchasers, their Heirs and Assigns, having, or hereafter to have, from the said Thomas Cary, any Bargains, Sales, Alienations, or Conveyances for the same; any such Deeds of Sale, Conveyance, or Alienation formerly made in the said John Cary's Name, or to or for his Use and Behoof, notwithstanding.

EDW'D MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

CHAPTER LXVI.

An Act for the Confirmation of the Laws passed this Session of Assembly & for repealing all former Laws not herein particularly Excepted.

I. Whereas in pursuance of an Act of Assembly made & ratified the 6th day of November last past the ancient standing laws of this Government have been carefully revised.

II. Be It Therefore Enacted by his Excellency the Pallatine & the rest of the true & absolute Lords, &c.

And it is hereby Enacted that all laws heretofore made within this Province such only Excepted as by their particular titles are hereby Expressly continued & revised are, and stand hereby repealed, annulled & void, & that all laws now made, passed and confirmed this present Session of Assembly together with such other as are hereafter mentioned to be continued shall be of full force & shall be hence forward deemed taken & adjudged as the body of the Laws of this Government & no other heretofore made.

III. And to prevent Disputes which may hereafter arise for or by reason of any Act or Acts, thing or things heretofore done or acted which might have been held & Claimed by Virtue of any Law hereby repealed, or Intended to be repealed.

IV. Be It Further Enacted, by the Authority aforesaid that all and every other act or acts, thing or things heretofore awarded, passed & done or which

might have been held and claimed in pursuance to any law or act of Assembly hereby repealed & Intended to be repealed shall be good, valid & Effectual in the law to all intents & purposes whatsoever as if the said Laws and every of them were Continued & in force.

V. And saving Likewise to all persons the benefit and advantages of any suit or action already commenced, or Sued upon any Act or Acts hereby repealed, anything herein before to the Contrary notwithstanding.

VI. And Be It Further Enacted by the Authority aforesaid that these following Laws shall be, remain, and continue, and they are hereby revived & continued.

VII. An Act Concerning Escheat Lands & Escheators.

VIII. An Act for the better and more Effectual preserving the Queen's peace & establishing good and lasting foundation of Government, in North Carolina.

IX. An Act to promote the building a Court house to hold the Assembly in, at the fork of Queen Ann's Creek commonly called Matchacamak Creek in Chowan precinct.

X. An Act to regulate Divers abuses in the taking up land & to ascertain the method to be observed from henceforward in taking up and surveying of Land.

XI. An Act Impowering the Governor to appoint Commissioners to treat with all such Commissioners as shall be appointed by the Government of Virginia relating to the Indian affaires.

XII. An Act for the raising the sum of twenty four thousand pounds in publick bills of Credit for paying the remaining part of the Debts of the Government & for sinking the remaining part of the sum of twelve thousand pounds Publick bills of Credit with two years' Interest.

XIII. Provided always that this Act, nor anything therein Contained shall be construed, adjudged & taken or is & hereby meant or intended to annul, repeal or make void the six following Laws already confirmed by the Lords Proprietors the several titles whereof follows:

1st. An Act concerning Marriages.

2nd. An Act concerning transferring of rights.

3rd. An Act concerning the defraying the Charge of the Government & Council.

4th. An Act prohibiting strangers trading with the Indians.

5th. An Act for the speedy settlement of Land.

6th. An Act exempting new comers from paying Levys for one year.

XIV. And provided also, that this Act shall not Extend to make voyd, or annul, any Act or Clause of any Act relating to the Publick funds or bills of Credit, any Act of Naturalization, or any other private Acts, but that all and every such Act & acts are hereby Confirmed and ratified & that the Acts relating to the Publick funds or bills of Credit shall be and continue till they become absolute, or shall be afterwards declared voyd by act of the General Assembly any thing herein before to the contrary notwithstanding.

XV. And Be It Further Enacted by the Authority aforesaid that the Chief Justice and the Clerk of such & every precinct Court, shall take care, that the transcript, or book of Laws repositied in his or their Custody, shall be constantly laid open upon the Court table during the sitting of the Court for the perusal of such members of the Court or other persons Littigating Causes therein as shall have occasion so to do.

XVI. And Be It Further Enacted that the Clerk of each Court shall at the next Court after receipt thereof publickly & in open Court read over the

same & so yearly at the first Court next following after the first day of May under the Penalty of five pounds for such neglect. And forasmuch as Mr.

Signed by

CHARLES EDEN, Esq., Governor.

N. CHEVIN,

W. REED,

CHR. GALE,

TOBIAS KNIGHT,

FRANCIS FOSTER,

Lords Proprietors Deputies.

EDWARD MOSELEY, Speaker.

LAWS OF NORTH CAROLINA, 1720.

At a General Biennial Assembly, held at the Court house in Chowan Precinct, the Second Day of August, One Thousand Seven Hundred and Twenty, and continued, by several Adjournments, to the Twentieth Day of the same Month. *Charles Eden, Esq.*, Governor.

CHAPTER I.

An Act for lessening the Poll and Land Tax, and for preventing of Concealments.
(Omitted.)

CHAPTER II.

An additional Act, to the Act, intituled, An Act for Establishing the Church, and appointing Select Vestries.
(Omitted.)

CHAPTER III.

An Act in Addition to the Act, For making a town at Queen Anne's Creek.
(Omitted.)

CHAPTER IV.

An additional Act to an Act, intituled, an Act concerning Ordinary Keepers and Tippling-houses.
(Omitted.)

CHAPTER V.

An Act in Explanation of the Act, Concerning Servants and Slaves.
(Omitted.)

CHAPTER VI.

An Act to confirm a Decree made in the Court of Chancery of this Province, upon a Bill of Complaint exhibited by William Duckenfield, Esq.
(Printed in Private Acts, *post.*)

Note. Above are omitted both in Mss. vol. and in Swann's Revision. Ed.

LAWS OF NORTH CAROLINA, 1722.

At a General Biennial Assembly, held at Edenton, in Chowan Precinct, the Second Day of October, One Thousand Seven Hundred and Twenty-two, and continued by several Adjournments, to the Nineteenth Day of the same Month. *William Reed, Esq.*, President.

CHAPTER I.

An Act, for a Road from Core-Point, on Pamptico, to New Bern, on Neuse River.

I. Whereas a Road from Core-Point, to New Bern Town, would be of very great Use and Advantage to the Inhabitants of the upper parts of Neuse River in particular, and to the County of Bath in general, which, by Reason of the Inhabitants of those parts belonging already to other Districts, cannot be altered but by Authority of Assembly: Wherefore it is humbly prayed that it may be Enacted.

II. And be it Enacted, by his Excellency the Pallatine, and the rest of the true and absolute Lords Props. of the Province of Carolina, by & with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North East part of the said Province, and it is hereby Enacted, by the Authority of the same, That all the Inhabitants living on the South side of Pamptico River, from Derham Creek Upwards; and all the Inhabitants settled on the South Side of Neuse River, from Slocum's Creek upwards, including Trent River; and all the Inhabitants in the Fork of Neuse; are hereby ordered to work on the Main Road that is to be laid out, by the persons hereafter appointed for that purpose, from the North Side of Neuse River, beginning directly over against the Town of New Bern, to Core Point, on the South Side of Pamptico River.

III. And Be It Further Enacted, by the Authority aforesaid, That Capt. Richard Graves, Capt. William Hancock, Mr. John Tripp, and Robert Turner Esqr., or any Three of them, are hereby ordered and Impowered to lay out the said Road from New Bern Town to Core-Point, within three months after the Ratification of this Act, under the Penalty of Twenty Pounds; One half to the Party suing for the same, and the other half to the Vestry of the Two Precincts, for the use of the Parishes: To be recovered, by Bill, Plaint, or Information, in any Court of Record within this Government; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

IV. And Be It Further Enacted, by the Authority aforesaid, That Mr. John Trip is hereby appointed Overseer of the People that are liable to work on the said Road, belonging to the South Side of Pamptico River, within the Bounds aforementioned in this Act; And that Capt. Richard Graves is appointed Overseer of the people that are liable to work on the aforesaid Road, within the Bounds mentioned aforesaid: And that the aforesaid Overseers and people are liable to the same Fines and Forfeitures as all other Overseers and People, liable to work on Publick Roads, have heretofore been.

V. And Be It Further Enacted, by the Authority aforesaid, That all the Inhabitants residing on the South Side of Pamptico River, from Derham's Creek downwards, including Bay River; and all the Inhabitants on Beard's Creek, and downwards, living on the North side of Neuse River; are hereby ordered to work on and maintain the old Road that formerly was laid out, from Wilkinson's Point, on the North Side of Neuse River, to the Fork of Derham's Creek, at the plantation that Mr. Thomas Sparrow, deceased, formerly dwelt on: And that they are under the same Fines and Forfeitures as all People liable to work on Public Roads, have heretofore been.

CHAPTER II.

An Act, for Making the Sum of Twelve Thousand Pounds, Public Bills of Credit, for exchanging such of the Public Bills of Credit as are, now Current, thereby to render them the more useful to the Government; and for regulating the Taxes. OBS.

(Omitted.)

CHAPTER III.

An Additional Act to an Act, intituled, An Act, appointing Toll-Books.

I. Whereas an Act, intituled an Act, for appointing Toll-Books to be kept in this Government, has been passed; and the said Act has been rendered useless by reason of the Places appointed by it for the Toll-Books to be kept being inconvenient, and the fees allowed to such persons as are appointed to keep them so small, that no person will take the trouble of the said office on himself: Wherefore it is prayed, that an Act may be made for the Continuance of the said Act, and that there be fixed places appointed for the Toll-keepers in the several Precincts, and that the said Toll-keepers Fees be raised:

II. Be It Therefore Enacted, by his Excellency the Pallatine, and the rest of the true and absolute Lords Proprietors of Carolina, by & with the Advice and Consent of this present General Assembly, now met at Edenton, on Queen Anne's Creek, in Chowan Precinct, for the North East part of the said Province, and it is hereby Enacted by the Authority of the same, That the Toll Office for the Precinct of Chowan, be kept at the head of Katharine's Creek, near Mr. Thomas Speight's, at the Head of Perquimons and at Maycock Creek, in Currituck Precinct; for Bertie Precinct, at Boon's Ferry, and such other Places as the Precinct Court shall appoint: And that every Toll-Keeper shall be allowed the Sum of Four Pence for each Hog, and Six Pence a head for all Cattle, carried or transported out of this Government, by all Persons carrying or transporting the same, under the like Penalty as in the said Act is mentioned; And the said Toll-keepers are to observe all Articles and Clauses in the said Act mentioned, under the like Pains, Fines and Penalties therein expressed.

CHAPTER IV.

An Act, for Enlarging and Encouragement of the Town called Edenton, in Chowan Precinct.

(Omitted.)

CHAPTER V.

An Act appointing that part of Albemarle County lying on the West Side of Chowan River, to be a Precinct, by the name of Bertie Precinct.

I. Whereas that part of Albemarle County lying on the West Side of Chowan River, being part of Chowan Precinct, is now inhabited almost to the utmost of the said County Westward, and by reason of the remote situation thereof, the Inhabitants, which are growing very numerous, cannot, without too great Inconvenience, be continued any longer as part of Chowan Precinct: Wherefore.

II. Be It Enacted by his Excellency the Pallatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That that part of Albemarle County lying on the West Side of Chowan River, being part of Chowan Precinct, bounded to the Northward by the line dividing this Government from Virginia, and the Southward by Albemarle Sound and Morattuck River, as far up as Welch's Creek, and then including both sides of the said River, and the Branches thereof, as far as the limits of this Government, be, and the same is hereby declared to be erected into a Precinct, by the name of Bertie Precinct, in Albemarle County; with all and every the Rights and Privileges, and other Benefits and Advantages whatsoever, as any other of the Four Precincts in Albemarle County can or may have, use, or enjoy.

III. And Be It Further Enacted, by the Authority aforesaid That the Election for Representatives for the said Precinct, shall always be at the Court House for the said Precinct, or at such Place as shall be appointed for building the said Court House on.

CHAPTER VI.

An Act, concerning Fees and Officers.

(Omitted.)

CHAPTER VII.

An Act, appointing that part of the South-West Parish of Chowan that lies on the South Shore, and Alligator, to be a distinct Parish, by the Name of the South Parish of Chowan; and for appointing Vestrymen for the said Parish.

(Printed in Private Acts, *post.*)

CHAPTER VIII.

An Act, for settling the Precinct Courts and Courthouses.

I. Whereas through the great Taxes and Charges this Government hath laboured under, by Means of the late Indian War, there has been no Care taken by preceding Assemblies to settle the several Precinct Courts to any

fixed or Certain Place, but have always hitherto been kept and held at private Houses, where they have been, and are liable to be removed, at the Pleasure of the person or persons owning such Houses, to the great Annoyance of the Magistrates and People: For the Prevention of which for the Future;

II. Be It Enacted, by his Excellency the Pallatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct for the North East part of the said Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, the Justices of the Peace that are now appointed for and in every respective Precinct in this Government, or shall hereafter be appointed within the Time limited in this Act for Building the Precinct Court-houses, or the greatest part of them, are hereby required and impowered to purchase the quantity of One Acre of Land, in such Place or Places of their several Precincts, as in and by this Act is hereby nominated and appointed, for erecting the said Court-houses on.

III. And for the better enabling the said Justices, or the greatest part of them, to purchase said Lands, and build the said Court houses: Be it Enacted, by the authority aforesaid, That the said Justices, or the greatest Part of them, shall have full power and Authority to raise Money, by a Poll Tax on the several Inhabitants of their respective Precincts, for the Purchasing such lands and building the said Court-houses thereon, not exceeding the sum of five Shillings per Poll per Annum; which said Tax or Levy shall be paid to them the said Justices, or whom they, or the greatest part of them, shall appoint to receive the same, by each and every person respectively, in the same Manner and Form as they do their Public Levy, and under the same Fines and Forfeitures.

IV. And Be It Further Enacted, by the Authority aforesaid, That if any Person or Persons shall refuse to sell to the said Justices, or to the greatest Part of them, such Lands as by this Act is appointed to be purchased for the use of a Court-house, for what the said Justices shall think to be the full Value thereof, that then, and in such Case, it shall and may be lawful for the Chief Justice to issue his Summons, under his Hand, directed to Three Freeholders of the Precinct where such refusal shall be made; which Freeholders are hereby required, on Oath, to appraise the said Land: And in Case the owner of the said Land shall, after a Tender made him of the Money which the said land was appraised to, refuse to give a lawful Conveyance for the same, such Land shall, nevertheless, be invested in the Publick, for the use aforesaid; provided that no Person's Orchard, Garden, or enclosed Ground, be injured thereby.

V. And be It Further Enacted, by the Authority aforesaid, That if the Justices, or the major part of them, in their several Precincts, shall neglect or refuse to purchase the land by this Act directed for building the several Court-houses on, or to agree with workmen to build and finish the same, (which shall not be less than Twenty Four feet Long and Sixteen Feet wide), within Six months after the Ratification of this Act; that then, and in such Case, the Governor or Commander in Chief for the Time being shall, and is hereby impowered and directed to nominate and appoint such Person or Persons in each and every Precinct so neglecting or refusing; which Person so appointed, shall have the same Power and Authority to lay the said Tax,

purchase such Land, and build the said Court-houses, as the said Justices might or ought to have had by this Act.

VI. And be it Further Enacted, by the Authority aforesaid, That the Lands hereafter mentioned be, by the several Justices, or the Major Part of them, in each respective Precinct, purchased, to and for the Building and erecting the several Court-houses on: That is to say:

For the Precinct of Chowan, at Edenton.

For the Precinct of Perquimons, at Jonathan Felp's Point, at the Mouth of the Narrows.

For the Precinct of Currituck, on the Land of Mr. William Peyner, next to the Land of Mr. William Parker; or at Mr. Parker's, as the Justices shall appoint.

For the Precincts of Beaufort and Hyde at Bath Town.

For the Precinct of Craven, at New Bern.

For the Precinct of Carteret, at Beaufort Town.

For the Precinct of Bertie, now by this Assembly, laid out, at some convenient place at Ahotskey, where the Justices shall appoint.

For the Precinct of Pasquotank, at such Place as the Justices shall appoint.

And whereas many Inconveniences hath happened in this Government, by Reason of the falling of the Courts, which too frequently have been occasioned by failure of a sufficient Number of Justices to meet: For Prevention of which for the Future; Be it Enacted, by the Authority aforesaid, That all Actions or Business whatsoever now depending, or hereafter to be depending, in the General Court, or any Precinct Court in this Government, shall not be discontinued by Reason or Failure of a sufficient Number of Justices meeting at the Days appointed; but that all such actions or Business shall stand continued till the next Court: Any Law, Custom, or Usage to the Contrary, notwithstanding.

Signed by

WILLIAM REED, Esq., President,

CHR. GALE,

RICHARD SANDERSON,

JOHN LOVICK,

THOMAS LOVICK,

Lords Proprietors Deputies.

EDWARD MOSELEY, Speaker.

LAWS OF NORTH CAROLINA, 1723.

At a General Biennial Assembly, held at Edenton, in Chowan Precinct, the Twenty-Third Day of November, One Thousand Seven Hundred and Twenty Three. *William Reed, Esq.*, President.

CHAPTER I.

An Act, to provide Indifferent Jurymen in all Causes, Civil and Criminal.

(Repealed 6 April, 1748 and omitted.)

CHAPTER II.

An Act, intituled, An Additional Act to the Act, relating to Biennial and other Assemblies, and regulating Elections; and divers other Things relating to the Towns. REP.

(Omitted.)

CHAPTER III.

An Act, for appropriating part of the Impost Duty on Vessels, or Powder Money, to Beacon out the Channels from Roanoke to Ocacock Inlets, and several other Things, to facilitate the Trade and Navigation of this Government. EXP.

(Omitted.)

CHAPTER IV.

An Act, for settling the Titles and Bounds of Lands.

I. Be It Enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the Lands belonging to every Person in this Government shall be proccessioned, and the Marks renewed once in every Three Years; And that the Justices of each and every Precinct Court within this Government, between the first Day of June and the First Day of August, One Thousand Seven Hundred and Twenty-Four, and so between the First Day of July and the First Day of August, in every Three Years hereafter, by an Order of the said Court, shall direct and order the Vestry of each Parish, in their Precinct, to divide their Parishes into as many Districts as to them shall seem most easy and convenient, for proccessioning every particular Person's Land within their Parish; and that the said Vestry shall appoint the particular Times some time between the first Day of October and the last Day of April, following the date of the said Court's Order, and shall nominate and

appoint two able and intelligent Freeholders within every Canton or District, to see such processioning performed: And the said Freeholders so appointed are hereby obliged to make a Due Return and give an Account of their proceeding to the Precinct Court next following such Processioning of every particular Person's Land by them processioned, and who were present at the Time, and also to give a particular Account of what Lands within their Cantons or Districts, they shall have failed to Procession, together with their Reasons for such Failure.

II. And it is Further Enacted, by the Authority aforesaid, That the Clerk of every respective Precinct Court, is hereby enjoined and directed to deliver to the Church Wardens of every Parish within his Precinct, a Copy of the said Court's Order, within Fifteen Days after the passing the same; and that the said Church Wardens shall be obliged, within Ten Days after the Receipt of such Order, to appoint a Vestry to meet; and the said Church Wardens and Vestry are to lay out their said Parish in as many Cantons or Districts as to them shall seem convenient, and to nominate and appoint two intelligent Freeholders as aforesaid: Which Freeholders so appointed, are required to go with the Freeholders and Inhabitants, within their District or Cantons, round the Bounds of every Person's Land within the same, and renew the Marks of the said Lands.

III. And Be It Further Enacted, by the Authority aforesaid, that the Justices of each Precinct are hereby required to cause the Returns to be made by the said Processioners, to be fairly entered into well-bound Books, kept for that Purpose, by the Clerk of the Precinct Court: and to prevent Mistakes in the Recording the said Return, the Clerk of the said Court shall be obliged, at the next succeeding Court, to produce and compare the Return with the Record, and afterwards, to file the said Return in his office: And as an Encouragement for the said Clerk's faithful discharge of the several Duties above mentioned, it shall and may be lawful for him to ask and demand the Sum of Twelve Pence of every Person for all his or her Lands that are returned Processioned, and recorded within that Precinct.

IV. And be it further Enacted, by the Authority aforesaid, That where the Justices of any of the Precinct Courts, Vestry and Church Wardens, Freeholders or Clerk, shall fail or neglect doing their Duty herein, or hereby enjoined, each and every Justice so failing, shall forfeit and pay the Sum of Five Pounds; the Church Wardens and Vestry failing to do their Duty as aforesaid, shall forfeit and pay the sum of five Pounds; and the Freeholders who shall be nominated by the Vestry in their several Districts and Cantons, refusing to do their Duty, shall forfeit and pay the Sum of Five Pounds; and the Clerk of each respective Precinct Court neglecting or refusing to do his Duty as by this Law required, shall forfeit and pay the sum of Ten Pounds: All which afore-mentioned forfeitures and Fines shall be, one half to the informer, the other half to the Church Wardens and Vestry, for and towards the Use and Benefit of that Parish in which such Default happened: To be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Government; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of.

V. And forasmuch as no Provision has been made in this Act, to compel such Persons who, out of an obstinate Temper, shall refuse to have their Lands processioned, to the Damage of Owners of adjacent Lands; Be it Enacted, That then, and in such case, all and every Person or Persons so refusing to have their Lands processioned, pursuant to the directions in this Act given them, the Two Freeholders Processioners as aforesaid, shall

cause such refusal to be certified, in Writing, to the next succeeding Precinct Court; which Court is hereby Impowered and required to command the Surveyor-General or his Deputy, attended with four reputable Freeholders, who shall be nominated and appointed by the said Court for that Purpose, and sworn, to lay out the Bounds of the said Lands, to the best of their Judgment and Understanding; and according as it shall appear to them by Deeds, Writings, or Other Evidences, they shall proceed to settle the Bounds of the said Lands, at the proper Cost and Charges of the Person refusing to have the said Bounds laid out; and the said Surveyor-General, or his Deputy, shall return the Survey thereof with the Proceedings thereon, to the next Precinct Court, there to be recorded, by the Clerk of the said Court, in a Book for that purpose; which Bounds and Survey made in manner aforesaid, shall be taken and deemed a sufficient Processioning, as if the same had been done by the Consent of the Party: And if any of the said Justices, or the Surveyor, Clerk, or Freeholders, not having a Lawful Excuse, shall fail in his or their Duty, as by this Act is enjoined and directed, he or they so failing shall forfeit and pay the same Penalties as before in this Act is laid on the said Justices, Church Wardens, Vestry and Processioners, failing in their Duty; to be recovered in like manner, and to the same Uses.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Person whose Lands shall be Processioned to him, according to the Directions of this Act, at Two several Times, such Person shall be deemed and adjudged to be the sole owner of the said Lands; and that upon any Suit commenced for any such Lands, the Party in Possession may plead the General Issue, and give this Act in Evidence.

VII. Provided always, That the Processioning of Lands of a Tenant for Life, shall not bar or preclude the Heir in Reversion or Remainder; neither shall any Processioning bar or Preclude Persons under Age, *Feme Coverts*, *Non Compos Mentis*, Imprisoned, or out of the Government: But that all such Person or Persons shall have free liberty to sue for and dispute the Title and Bounds of any Lands within this Province; provided the said Person or Persons commence Suit and prosecute the same, within the Time already Limited by the Laws of this Government, after the Removal of such Disability.

VIII. And whereas lapse Patents are accustomed to be granted to the first Petitioners for such Lands which are not seated and planted according to the Condition or Provision mentioned in the respective Patents, which has often proved to be the ruin of Orphan Children (whose Parents have died leaving Lands unseated) by Neglect of Guardians and Trustees in not settling and securing the same in due Time; For prevention whereof for the future.

IX. Be It Enacted, by the Authority aforesaid, That whosoever, for the future, shall petition for the Lapsing of any Lands belonging to any Orphan or Orphans, such Person so petitioning, shall, and he is hereby required and commanded, to give, at least, Thirty Days' Notice of such Petition's being lodged, to the Guardian or Trustee of the Orphan, before the next Council after the Petition is lodged; and in case the said Guardian or Trustee, after such Notice given, shall refuse and neglect to appear at the said Council, and there take out a Patent for the said Land, in the name of, and to the use of such Orphan or Orphans (who shall, *de futuro*, have the Preference in Lapsing such Lands as are hereditary to him or her), such Guardian or Trustee shall be removed by the Governor and Council, or Precinct Court, from his Guardianship, and shall be subject to the Suit of the Orphan, and to

answer all Damages which the Orphan shall sustain by Reason of His Neglect.

CHAPTER V.

An Act for an additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, Male and Female, as now are, or hereafter shall be, intermarried with any such Persons, resident in this Government.

I. Whereas Complaints have been made by divers Freeholders and other Inhabitants of this Government, of great Numbers of Free Negroes, Mulattoes, and other Persons of mixt Blood, that have lately removed themselves into this Government, and that several of them have intermarried with the white Inhabitants of this Province; in Contempt of the Acts and Laws in those Cases made and provided:

II. Be it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprs. of Carolina, by and with the Advice and Consent of the rest of the Members of the present General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That all free Negroes, Mulattoes, and other Persons of that kind, being mixed Blood, including the Third Generation, who are, or hereafter shall be, Inhabitants or Residents in this Government, both Male and Female, who are of the age of Twelve years and upwards, shall, from the Ratification of this Act, be deemed and taken for Tithables, and as such each and every of them shall, Yearly, pay the same Levies and Taxes as the other Tithable Inhabitants do, and shall, and are hereby made liable to pay the same Yearly to such Person or Persons, in such Manner, and at such Times and Places, and to be subject to such Fines and Penalties, as in and by an Act, intituled, An Act for making the sum of Twelve Thousand Pounds Public Bills of Credit, for exchanging such of the Public Bills of Credit as are now current, thereby to render them the more useful to the Government; and for regulating the Taxes; which the other Inhabitants of this Province, being Tithables, are obliged and subject to.

III. And be it further Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, any White Person or Persons whatsoever, Male or Female, Inhabitant of this Government, or that may or shall remove themselves hither from other Parts, that now is, or hereafter shall be, married with any Negro, Mulatto, Mustee, or other Person being of mixed Blood, as aforesaid, shall be, and are hereby made liable to the same Levies and Taxes, as the Negroes, Mulattoes, or other mixed Blood, as herein above is expressed; and it is the true Intent and Meaning of this Act, that all and every of the aforesaid Tithables removing themselves into this Government, shall pay the Levy and Taxes assessed for the Year they come hither, provided they come before the Tenth Day of June in that Year.

IV. And forasmuch as divers of the Inhabitants of this Government, for Causes them thereunto moving, have set free Slaves of Sundry kinds, who are, all by Law, obliged to depart the Government in Six Months after their being so freed, otherwise they are liable to be sold to such Person or Persons as shall give security for transporting them out of this Government; notwithstanding the said Law, and contrary to the true Intent and Meaning thereof, many of such freed Negroes, and Slaves of other Kinds, after having departed this Government for a Little Time, Have returned again, deeming

themselves Inhabitants of this Government by such Departure and Return: For the Prevention whereof for the future;

V. Be it therefore Enacted, by the Authority of the aforesaid, That all Slaves, of what kind soever, which shall hereafter be set free, that shall be obliged to depart this Government within Six Months after being so freed, according to the Direction of the aforesaid Act, and shall not return into this Government, under the Penalties and Pains hereafter expressed: And if any Slave or Slaves being so freed and set at Liberty, having departed as before directed, shall presume to return back into this Province, it shall and may be lawful for any Person or Persons whatsoever to apprehend and take up such Slave or Slaves so offending, and carry him or them before some Magistrate, who is hereby authorized and impowered, upon due proof made, to commit such Person or Persons so offending, to the Provost Marshall of the County where such offender or offenders shall be apprehended, till the next General Court, to be held for this Government, and shall then sell him or them for Seven Years, at Public Vendue, to the highest Bidder; and the Money arising by the said Sale, after Charges paid, shall be applied, the one Half to the Apprehender, and the other Half towards defraying the contingent charges of the Government; and at the End and Expiration of the said Seven Years, the said Slave or Slaves so set free, shall, and are hereby compelled to depart this Government, within Six Months after being so freed: And if any such Person or Persons so departing shall presume to return a Second Time, they are hereby made liable to be apprehended, taken up, and sold, as aforesaid.

VI. And be it further Enacted, by the Authority aforesaid, That after such Sale is made as aforesaid, if any Person or Persons, Inhabitants of this Government, shall presume to harbour, conceal, or detain any such Negroe or Slave set free, upon pretence of Debt, or otherwise, such Person or Persons so offending shall forfeit and pay One Hundred Pounds Current Money; one Half to the Use of the Publick, and the other half to him or them that shall sue for the same; to be recovered by Bill, Plaint, or Information, in any Court of record within this Government; wherein no Injunction, or Wager of Law, shall be allowed or admitted of.

CHAPTER VI.

An Act for the better ascertaining Naval Officers' and Collectors' Fees.

(Repealed 6 April, 1748, and omitted.)

CHAPTER VII.

An additional Act to an Act, intituled, An Act for Qualification of Public officers. Obs.

(Omitted.)

CHAPTER VIII.

An Act for destroying Squirrels. Rep.

(Omitted.)

CHAPTER IX.

An Act for regulating Proceedings on original Attachments.

(Repealed 5 Dec., 1746, and omitted.)

CHAPTER X.

An additional Act, to an Act, intituled, An Act concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestate Estates.

I. Whereas it has been customary for Executors or Administrators to bring the Estates of deceased Persons to Appraisments, which Appraisments have generally been much short of the true Value of the same; to the great Detriment of the Creditors and Kindred of the Person deceased; For Prevention of the like for the Future;

II. Be it Enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, All and every Executor or Executrix, Administrator or Administratrix, shall some time before or at the next Precinct Court after his, her, or their entering on the Administration of any deceased Person's Estate, draw, or cause to be drawn, a just, true and perfect, Inventory of all the Goods and Chattels of the Deceased, (such only excepted as by the afore-mentioned former Law are reserved to remain to the use of Orphans not of age till they arrive to full Age, or such as are by special Legacies particularly bequeathed); which Inventories shall be exhibited at the respective Courts of the Precinct in which the said Goods are, and attested, on Oath, by the Person exhibiting the same; and a Copy of which Inventory so exhibited and Attested, the Executor or Administrator shall cause to be affixed at the Court-House Door of the Precinct, during the Court's Sitting, giving Notice that on the Day of (which shall be some Days before the next succeeding Court) the said Goods will be exposed to Public Sale, to the highest Bidder, at the Place where the said Goods are reserved and kept; and the Executors or Administrators shall, on Oath, render a true Account of such Sale to the next Court immediately succeeding such Sales, and shall accordingly be accountable for the same to such Persons as in the aforementioned former Law is provided.

III. And in Case the Estate of any Person, deceased shall be so far indebted as that the Debts cannot be Discharged by the sale of what are deemed perishable Commodities; Be it further Enacted, That then and in such Case, the Executor or Administrator shall, and they are hereby empowered and required, to expose to Sale, in like Manner as aforesaid, by the Directions of the Precinct Court, such Part of, and so many of the unperishable Goods, directed by the before mentioned Act to be kept and reserved in Kind, as will pay and satisfy all such Debts and Demands.

IV. And whereas some Doubts have arisen concerning the Manner of Recovery of Legacies, filial portions and other Parts of deceased Persons' Estates; Be it further Enacted, That it shall and may be Lawful to recover the same by Petition, according to the respective Sums sued for, in the General or Precinct Courts of this Province, as well as in any Ecclesiastical or other Court whatsoever.

CHAPTER XI.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

I. Be it Enacted, by his Excellency, the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That no Person, being an Inhabitant of this Government, and not having a Freehold of Fifty Acres of Land, or possessed of, or occupying Lands or Tenements, shall keep, as Owner, a Stone-Horse or Horses, or unspade Mare or Mares, or any more than one Gelding, or spade Mare, to run at large.

II. And be it further Enacted, by the Authority aforesaid, That if any Person, not qualified as aforesaid, shall keep any Horse or Mare running at large, except one Gelding, and one spade Mare, as aforesaid, it shall and may be lawful for any Person to take up the same who is hereby obliged and directed to give Notice thereof, in Writing, to the Owner, within three Days after such taking up; which Owner shall have Liberty to appear at the next succeeding Court of the County wherein he dwelleth, and if he can prove, to the Satisfaction of the said Court, that he is qualified, according to the meaning of this Act, to keep such Horse or Mare so taken up, he shall have the same restored; but if he shall fail in his Proof aforesaid, he shall pay to the Person taking up, Twenty Shillings for every Horse or Mare so taken up; And if the Owner of such Horse or Mare shall refuse to pay the aforesaid Sum of Twenty Shillings, that then it shall and may be lawful for the taker up of such Horse or Mare to sell the same, at Public Vendue, to the highest Bidder, and one half of the Money arising by such Sale to take to himself, and the other Half he shall deliver to the Owner of such Horse or Mare.

III. And be it further Enacted, by the Authority aforesaid, That where the Information of the Taking up of such Horses or unspade Mares as aforesaid, shall happen to be made to the owner or owners within less than Ten Days before the time of the sitting of the Court of the Precinct where such Owner resides, in such Case he shall have Liberty to appear at the next succeeding Court after such Court, to prove himself a Freeholder or possessed of or occupying Lands or Tenements.

IV. And be it further Enacted, by the Authority aforesaid, that no Person or Persons whatsoever, Inhabitants of this Government, shall suffer, or let go at Large, any Stone-Horse or Stone-Horses of two Years old, unless such Horse or Horses shall be, at least, Thirteen Hands in Height, upon Penalty of Forfeiting such Horse or Horses, or the sum of Three Pounds, to the Taker up of every such Stone-Horse; provided the same be found running at large, and not within the Confine of any Fence, Water, Marsh, or Swamp.

V. And be it further Enacted, by the Authority aforesaid, that the taker up of such Stone-Horse shall, within Ten Days after the taking up thereof, carry the same Horse, and make Oath, before some Justice of the Peace, of his taking up the same; which proof being made, the Justices shall cause such Stone-Horse to be measured, and upon finding him not full Thirteen Hands high at Two Years old, as aforesaid, the Justice shall give a Certificate, from under his Hand, certifying the same; and thereupon the taker up of such Horse or Horses so doing shall keep the same, until the owner

shall redeem such Horse or Horses, by paying the Sum of Three Pounds aforesaid to such Taker up.

VI. Provided nevertheless, and it is hereby required, That such Taker up shall set up Advertisements, describing the said Horse or Horses, with his or their Colour and Brand, at the Precinct Court house Door where such Owner shall live or reside; and if the Owner of such Horse or Horses shall, within Ten Days after such Notice given, tender to the Taker up thereof, by paying the sum of Three pounds, or giving the Security for the Payment thereof, that then and in such Case, such Owner shall recover and redeem such Horse or Horses; otherwise the Taker up thereof is hereby entitled to the Right and Property of such Horse or Horses: Any Law, Usage, or Custom to the Contrary, notwithstanding.

VII. And be it further Enacted, by the Authority aforesaid, That no Part, Clause, or Thing contained in this Act, shall take Place, or be in Force, till after the first Day of July next after the Ratification Hereof.

CHAPTER XII.

An Act for enlarging and Encouragement of the Town at the Island of Roanoke, now called Carteret. Obs.

(Omitted.)

CHAPTER XIII.

An Act for the better settling of the Town of Newbern, in the Precinct of Craven.

(Printed in Private Acts, *post.*)

CHAPTER XIV.

An additional Act to An Act, intituled, Staple Commodities rated. Obs.

(Omitted.)

CHAPTER XV.

An Act for incorporating the Sea Port of Beaufort, in Carteret Precinct, into a Township, by the Name of Beaufort.

(Printed in Private Acts, *post.*)

Above Acts of 1723 are signed by

T. Pollock,

Chr. Gale,

M. Moore,

John Lovick,

Lords Proprietors Deputies.

WILLIAM REED, Esq., President.

EDWARD MOSELEY, Speaker.

LAWS OF NORTH CAROLINA, 1727.

At a General Biennial Assembly, held at Edenton, in Chowan Precinct, the Sixth Day of November, One Thousand Seven Hundred and Twenty Seven.
Sir Richard Everard, Governor.

CHAPTER I.

An Act to encourage the Tanning of Leather in this Province.
(Repealed 27 Nov., 1729, and omitted.)

CHAPTER II.

An Act for Regulating Towns, and Elections of Burgesses. Rep.
(Omitted.)

CHAPTER III.

An Act to Regulate Trade in Bath County. Rep.
(Omitted.)

CHAPTER IV.

An Act for encouraging and facilitating Navigation in this Province. Rep.
(Omitted.)

CHAPTER V.

An Act to encourage Destroying of Vermin. Exp.
(Omitted.)

CHAPTER VI.

An Act for Enlarging and Confirming the Power of the Precinct Courts, and to prevent Actions and Indictments, of small Value, being Brought in the General Court. Exp.
(Omitted.)

CHAPTER VII.

An Act to appoint the North West Part of Bertie Precinct a district Parish, by the Name of the North-west Parish of Bertie Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government, to call the Church wardens and Vestry to Account for the Parish Money by them Received.
(Printed in Private Acts, *post.*)

CHAPTER VIII.

An Act for Regulating the Act, for appointing indifferent Jurymen, and to Repeal that Part thereof as relates to Precinct Courts.
(Omitted.)

Signed by

SIR RICHARD EVERARD, Governor;

Chr. Gale,
Edmond Gale,
Rich. Sanderson,
T. Pollock,

J. Lovick,
Ed. Moseley,
Robert West,
Thomas Harvey,

Lords Proprietors Deputies.

JOHN BAPTISTA ASH, Speaker.

LAWS OF NORTH CAROLINA, 1729.

At a General Assembly, held at Edenton, in Chowan Precinct, the Twenty Seventh Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine. *Sir Richard Everard*, Governor.

CHAPTER I.

An Act for the making and emitting the Sum of Forty Thousand Pounds, Public Bills of Credit of North Carolina. Obs.

(Omitted.)

CHAPTER II.

An Act for the More quiet settling the Bounds of the Meherrin Indians' Lands.

(Printed in Private Acts, *post.*)

CHAPTER III.

An Act to make Hyde Precinct separate from Beaufort Precinct, with Power of erecting a Court-House, and holding Courts.

(Printed in Private Acts, *post.*)

CHAPTER IV.

An Act to appoint that Part of Albemarle County, lying on the South Side of Albemarle Sound, and Morattuck River, as high as the Rainbow Banks, to be a Precinct, by the Name of Tyrrel Precinct.

(Printed in Private Acts, *post.*)

CHAPTER V.

An additional Act to an Act, for appointing Toll-Books, and for preventing People from driving Horses, Cattle, or Hogs, to other Persons' Lands.

(See Ch. 44, Acts 1715.)

I. Whereas in and by the said Act, the Remedy appointed for recovering the Penalty of Twenty Pounds for the Inhabitants of any other Government's Cattle, Horses, or Hogs ranging on People's Land in this Government, is by Distress to be made by the Toll-keeper or Ranger, but no Method appointed for disposing such Distress or Proceedings thereon.

II. Be It therefore Enacted, by his Excellency the Palatine, and the rest

of the True and Absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted by the Authority of the same, That when such Distress is made, or which may hereafter be made, by the Owner of the Land, as well as the Officers aforesaid, the Stocks so distrained shall be kept Four Days unless sooner redeemed or replevied by the Owner, who, on paying the Penalty, and the reasonable Charges, shall have them at any Time within Four Days after Seizure; otherwise, after the Expiration of the said Four Days, they shall be appraised by Three Indifferent Freeholders, to be appointed and sworn by some Magistrate, and the Property shall be immediately vested in the Person or Persons seising the same, he or they returning the said Appraisement to the Clerk of the Precinct Court, with an exact Account of the Marks or Brands of such Horses, Cattle or Hogs, which shall be set up at the Court-house the next Court; and any Person proving the Right to such Cattle, Horses, or Hogs, at any of the Next Four Courts in the said Precincts, after such return of that Appraisement, having given the distrainer Notice, shall have an Order or Judgment of the said Court for the Overplus, according to the Appraisement, the Penalty and Charges deducted.

III. And be it further Enacted, by the Authority aforesaid, That the Penalty of Ten Pounds in the said Act for appointing Toll-Books may be recovered by distress in like Manner, provided that no Guardian or Executor shall be excluded by the said Act from bringing any Stock, under their Care, on their Land.

IV. And be it further Enacted, by the Authority aforesaid, That the Stock of any Inhabitant of another Government being found on People's Land in this Government, contrary to the said Act, shall be deemed to be driven by the Owners, unless it can be proved that they strayed by some unavoidable Accident, and were pursued, and have not ranged above Four Days, provided such distress be made Four Miles to the Southward of the Line betwixt this Government and Virginia.

V. And be it further Enacted, by the Authority aforesaid, that no Person within this Government, shall presume to hunt, drive, or kill any Stock, Deer, or Game, on any Person's Land within this Government, except Neighbours whose Lands are very near adjacent, without Leave first had and obtained from the Owner of the said Land whereon he or they shall be found ranging, or hunting, contrary to this Act, under the Penalty of Five Pounds for each and every Time he or they shall be found ranging, the one half to the Owner of the Land, the other half to the Informer: To be recovered by a Warrant from two Justices, whereof one to be of the Quorum; which said Justices are hereby impowered finally to hear and determine the same.

VI. And be it further Enacted, by the Authority aforesaid, That no Ranger or other person on any pretence, shall range or hunt, kill or take up, any unmarked Cattle, Horses, or Hogs, on other Persons' Lands, without Leave of the Owner of such Land or Lands; any Law, Usage, or Custom, to the Contrary, notwithstanding, But that every Person shall have free Liberty to take up and kill all such unmarked Cattle, Hogs, and Horses, as he shall find running on his own Land, and the same to convert to his own Use, unless the Property thereof be proved within Three Months, by any Person Claiming the Same; who paying for the Taking up, shall have the said Beast, or its value, as it is in the Law directed for Rangers.

VII. And whereas great Damages are frequently done, by Slaves being permitted to hunt or range with Dogs or Guns: For prevention whereof, Be it Enacted, by the Authority aforesaid, That it shall not be lawful for any Slave, on any pretence whatsoever, to go, range, or hunt on any Person's Land other than his Master's, with Dogs or Gun, or any Weapon, unless there be a white Man in his Company; under the Penalty of Twenty Shillings, to be paid by his Master, for every Offence, unto the Owner of the Land whereon such Slaves shall range or hunt, and that no slave shall travel from his Master's Land by himself to any other Place, unless he shall keep the most usual and accustomed Road: And if any Slave shall offend contrary hereto, it shall be lawful for the Owner of the Land whereon such Slave shall be found, to give him a severe Whipping, not exceeding Forty Lashes; and if any Loose, disorderly or suspected Person, be found eating or drinking, or keeping with Slaves in the Night Time, such Person shall be apprehended and carried before a Justice of the Peace; and if he cannot give a good and satisfactory account of his Behaviour, such Person shall be Whipped, at the discretion of the Justice, not exceeding Forty Lashes.

VIII. And for the better suppressing of Negroes travelling and Associating themselves together in great Numbers, to the Terror and Damage of the white People; Be it Enacted, by the Authority aforesaid, That if any Negro or Negroes shall presume to travel in the Night, or be found in the Quarters or Kitchens among other Persons' Negroes, such Negroes so found shall receive Correction, not exceeding Forty Lashes, as aforesaid; and such Negroes in whose Company they shall be found, shall receive Correction, not exceeding Twenty Lashes.

IX. Provided always, That nothing in this Act shall be construed to prevent any Person from sending his Slaves on his lawful Business, with a pass, in Writing; nor to hinder Neighbours' Negroes intermarrying together, so that Licence being first had and obtained of their several Masters.

CHAPTER VI.

An Act for the more effectual and speedy putting in Execution the Act for settling the Title and Bounds of People's Lands.

(See Ch. 4, Laws 1723.)

I. Whereas the said Act for the Processioning People's Lands, altho' very necessary for the ascertaining People's Bounds, and preventing disputes hereafter, hath not been duly and effectually put in Execution: Wherefore, that the said Law may, for the future, be better observed.

II. Be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the several and respective Vestries, when summoned to meet for that Purpose by the Church-wardens, shall, without any Order of Court, divide the Parish into convenient Cantons, and appoint two able, Honest Freeholders in each Canton, to procession the Lands within the same, and that the Church-wardens in each Parish shall, immediately after the First Day of March next, summon the Vestry to Meet for that purpose under the Penalty of Five Pounds for each Church-warden neglecting the same, and the Clerk of the Parish shall, after such appointment by the Vestry, immediately give notice to the said Freeholders ap-

pointed in each Canton, and of their respective Divisions, under the Penalty of Five Pounds for every Canton so neglected; for which Notice the said Vestry shall allow the said Clerk Twenty Shillings out of the Parish Monies; and the Freeholders so appointed, on Notice given them, shall forthwith (being first sworn to act justly and impartially to the best of their Knowledge) procession People's Land as in and by the said Act is already provided, under the Penalty of Five Pounds each; and the several Penalties by the said Act, and hereby provided, shall be recovered and received by the Church-wardens only, and to the use of the Parish: And any Church-warden failing in their Duty by the said Act provided, or hereby required, shall be answerable for their Penalties in their accounts with the Vestry; and if they do not receive or prosecute the Penalties forfeited by any others for not performing their Duties in the said Act, or hereby provided, such Church-wardens shall be answerable for the same themselves, in their Accompts with the Vestry.

III. And be it further Enacted, by the Authority aforesaid, That where the Bounds cannot be fully ascertained by such Freeholders appointed, they shall make Return thereof accordingly, that in such Cases the Surveyor may be ordered to run the Bounds, at the Charge of both Parties, in the same Manner as is before in the said Act provided to be done, where one Party utterly refuses to have his Lands processioned.

CHAPTER VII.

An Act to confirm Bath-Town Common.

(See Ch. 9, Laws 1745.)

I. Whereas a Tract of Land, adjacent to Bath-Town, was granted and surveyed for a Common for the use of the said Town, and is bounded as followeth, viz. Beginning at a marked Pine at the East Branch of the Old Town Creek, running up Captain Burrow's Line to a Bound Oak, West Eight Degrees North, two Hundred Pole; thence to a Marked Pine at David Perkins' Corner, North Eight Degrees East, One Hundred and Three Pole; thence to a Hickory at the Branch, North Ten Degrees East, One Hundred and Seventy Two Pole; thence down the Windings of the Branch and Creek to the first Station; which said Land contains One Hundred and Forty Five acres, but the Title thereof hath never been fully confirmed:

II. Be it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the Rest of the Members of this General Biennial Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted by the Authority of the same, That the said Land shall be, and is hereby appointed a Common, to lie perpetually for the Use and Benefit of the Inhabitants of Bath-Town, under such Restrictions and Regulations as is or shall be appointed for Town Commons; and that the Inspection and Immediate Care of looking after the said Common, be in the Commissioners of the said Town for the Time being.

CHAPTER VIII.

An Act to Repeal the Act, intituled, An Act for Encouragement of Tanning Leather in this Province, Obs.

(Omitted.)

CHAPTER IX.

An additional Act to the Act, for the Tryal of Mean and Small Causes.
(Repealed Ch. 15, Acts 1741, and omitted.)

CHAPTER X.

An Act for Regulating Vestries in this Government, and for the better inspecting the Vestrymen and Church Wardens' Accompts of each and every Parish in this Government.

(Omitted.)

Signed by,

SIR RICHARD EVERARD, Governor;

Chr. Gale,

J. Lovick,

Edmond Gale,

Ed Moseley,

Rich. Sanderson,

Robert West,

T. Pollock,

John Paulin,

F. Worley,

Lords Proprietors Deputies.

THOMAS SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1734.

At a General Assembly, held at Edenton, in Chowan Precinct, in the Year of our Lord One Thousand Seven Hundred and Thirty Four. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act Stamping and Exchanging the present Bills of Currency of this Province, and for the better explaining An Act of the General Assembly, passed the Twenty Seventh Day of November, One Thousand Seven Hundred and Twenty Nine, intituled, An Act for making and emitting the Sum of Forty Thousand Pounds public Bills of Credit of North Carolina. Obs.

(Omitted.)

CHAPTER II.

An Act Repealing a Clause in an Act, intituled, An Act relating to Biennial and other Assemblies, which impowers Freemen of the several Precincts to vote for Members of Assembly, and declaring what Persons shall be qualified to vote for Members to Sit in General Assembly, and also Qualification of Members for the future.

(Repealed Ch. 1, Acts 1743, and omitted.)

CHAPTER III.

An Act for reviving An Act, intituled, An additional Act, to the Act for Tryal of Mean and Small Causes.

(Repealed Ch. 15, Acts 1741, and omitted.)

CHAPTER IV.

An Act for laying a Duty on Liquors, for and towards defraying the contingent Charges of the Government; and to make a Poll-Tax on the poorer Inhabitants more easy. Exp.

(Omitted.)

CHAPTER V.

An Act to ascertain the Allowance of His Majesty's Council, and the Members of Assembly of this Province. Exp.

(Omitted.)

CHAPTER VI.

An Additional Act to the Act concerning Roads and Ferries.

(See Ch. 36, Laws 1715.)

I. Whereas by the aforesaid Act, the several Precinct Courts in this Province, are invested with Power and Authority to settle Ferries, to lay out Roads to appoint Surveyors thereof, and to direct where Bridges are to be made, in their several Precincts; and likewise to order Fines and Penalties to be levied on such Persons as shall refuse or neglect to work thereon; which Fines and Penalties to be levied on such Persons so refusing or neglecting, being very small, and the Method of levying or recovering of them so tedious, that the intention of the aforesaid Act is greatly defeated: For Prevention for the future, and the better to enable the said Court, the several Members thereof, and the Persons that are by them appointed, to execute and perform their several Offices and Duties:

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of His Majesty's Council, and General Assembly of this Province, That from and after the Ratification of this Act, the Court of each and every Precinct within this Province, shall have full Power and Authority, and they are hereby authorized and empowered, to compel all Persons that now do, or hereafter shall be allowed and appointed to keep any Public Ferries in any of their several and respective Precincts, to give good and sufficient Security, in the Sum of One Hundred Pounds, Current Money, payable to his Majesty, his Heirs and Successors, with Condition, That he or they shall and will constantly find, provide, and keep good, sufficient Boats, or other proper Crafts, in good Repair, always to be well attended for Transportation of Travellers, their Horses, Cattle, Carts or Carriages and if any Persons shall presume, for Hire or Reward, to transport, carry, or convey any Travellers or Persons, their Horses, Cattle, Carts or Carriages, over any River or Creek, within Ten Miles of any Ferry heretofore appointed, or that may and shall hereafter be appointed and established, as aforesaid, on the same River or Creek where such Ferry is appointed, the said Person or Persons so offending shall forfeit and pay the Sum of Five Pounds for every such Offence; to be recovered by a Warrant from Two Justices of the Peace, in the Precinct where the same shall be committed; one Half to the party injured, and the other Half to him or them that shall sue for the same: Any Thing in the aforesaid Act to the contrary, in any wise notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That any Surveyor of the Roads for the future, that shall refuse to act when so appointed, or shall neglect or refuse to do his Duty, after Notice given, as in and by the aforesaid Act is directed, unless hindered by extreme bad weather, such Surveyor shall forfeit and pay, for every such Offence, the Sum of Ten Pounds; to be recovered by a Warrant from two Justices of the said Precinct where such Offence shall be committed, over and above the Damages which shall be sustained by any Person or Persons that shall or may be injured by such Neglect: Which Damages shall and may be recovered by Action, Bill, Plaint, or Information, in any Court of Record in this Province: And the said Surveyors having duly summoned, or caused to be summoned, all the Male Tithables in his or their several Districts, as in the aforesaid Act is directed, (excepting such Persons as are therein and thereby exempted from the working on the Roads), upon their Neglect or Refusal to do and per-

form such their Service, and on being summoned before the next Magistrate, (unless he can then shew a reasonable Cause for such his Neglect or Refusal, to be allowed of by the said Magistrate,) he or they so offending shall forfeit and pay the Sum of Ten Shillings, for every Day's neglect or Refusal with Costs; to be recovered and levied by an order from the said Magistrate, instead of the Fine of Five Shillings therein mentioned, which said Fine of Ten Shillings shall be applied as in and by the aforesaid Act is directed.

IV. And be it further Enacted, by the Authority aforesaid, That upon proper Application made to any of the Precinct Courts in this Province, for clearing of navigable Creeks in any of their several Precincts, it shall and may be lawful for the said Courts, and they are hereby authorized and empowered, to appoint such Surveyors of the Roads as live most convenient and contiguous to such Creeks, with their Companies, to do and perform the same, at some convenient Season that shall happen, within One Year after such Application; and upon Neglect or Refusal of such Surveyor or Company, or any of them, to do and perform such Work and Service, after due Notice, upon due Proof thereof, he or they so refusing or neglecting, shall be liable to the same Fines and Forfeitures as for Neglect or Refusal of their Service on the Roads; to be recovered and applied as is hereinbefore expressed: Any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, every Surveyor of any Road within the County of Albemarle, shall forthwith cause the Road whereof he is Surveyor, or for any Road hereafter to be laid out, to be cleared, Twenty Feet clear of all Trees, and every Causeway or Bridge within his District, to be Ten Feet wide.

VI. And be it further Enacted, by the Authority aforesaid, That nothing contained in this Act shall effect or make void any Thing in an Act, passed this present Session, Concerning Roads, &c., for the County of Bath.

CHAPTER VII.

An Act for laying out, making, altering, and keeping in Repair the several Roads and Highways within the several Precincts of the County of Bath, and for Building Bridges, and cleansing and keeping clean the several Rivers and Creeks within the same. Rep.

(Omitted.)

CHAPTER VIII.

An Act to Confirm and Establish the Precincts of Onslow and Bladen, and for appointing them distinct Parishes.

I. Whereas by an Act, intituled, An Act for regulating Vestries in this Government, and for the better inspecting Vestrymen and Church wardens' Accompts of each and every Parish in this Government, it is Enacted, That the Southern Part of this Province shall be erected into a Precinct, by the name of New Hanover Precinct, and bounded to the Northward by the Haulover, and Little Inlet, and to the Southward by the Southernmost Bounds of the Province; and as the Precinct of New Hanover is now become very populous, and the Extent thereof being found too incommodious

to many of the Inhabitants thereof, particularly those of New River, and the upper part of the Northwest River:

II. We therefore pray that it may be Enacted and be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of His Majesty's Council and General Assembly of this Province and it is hereby Enacted by the Authority of the same, That a Precinct be erected at New River, by the Name of Onslow Precinct; and that the said Precinct be Bounded to the Northward by Whiteoak River, from the Mouth to the Head thereof; and to the Southward, by a creek that comes out of the Sound, and comes across New River Road, called the Bay Swamp, or Beasley's Creek.

III. And be it further Enacted by the Authority aforesaid, That the upper Part of the Northwest River be erected into a Precinct, by the Name of Bladen Precinct; and that the said Precinct be bounded to the Southward as follows, viz., Beginning at the Mouth of Livingston's Creek, and bounded by the said Creek to the head thereof; and then, by a Line West, to the Bounds of the Government; and that the said Precinct be Bounded to the Northward by Black River, as follows: viz., Beginning at the Mouth of the said River, and bounded by the Main River up to the Fork, and that then the Westernmost Branch be the Bounds to the Head thereof.

IV. And be it further Enacted by the Authority aforesaid, That the said Precinct of Onslow be a distinct Parish, by the Name of St. John's Parish, and shall have all the Rights and Privileges that any other Parish in this Government now holds or enjoys.

VI. And be it further Enacted by the Authority aforesaid, That each of the above said Precincts are hereby invested with the same Powers and Privileges, as any other of the Southern Precincts have and enjoy.

VII. And be it further Enacted by the Authority aforesaid, That the Justices of the aforesaid Precincts shall have full Power and Authority to appoint a Place for a Church, Court-house, and Prison, and to Tax all taxable Persons in the said Precincts, for raising a Sum of Money sufficient to defray the Charges of the above Public Buildings, pursuant to an Act, intituled, an Act for settling Precinct Courts and Court-houses.

VIII. And whereas there hath been several Courts held in the Precinct of Onslow, by a Commission from the late Governor, George Burrington, Esq.; therefore, Be it Enacted by the Authority aforesaid, That all Proceedings of that Court (saving the Right of Appeal), are hereby declared good and valid.

IX. And be it further Enacted, by the Authority aforesaid, That the Precinct of Bladen is hereby erected into a Parish by the Name of St. Martin's Parish: But whereas the said Parish is in Arrear of Parish Money to the Vestry and Church Wardens of St. James's Parish; to which they formerly belonged; therefore, It is hereby Enacted, That the Arrear aforesaid shall be paid to the Vestry or Church Wardens of St. James's Parish: And if any Person shall neglect or refuse to pay the same, it shall and may be lawful for the Vestry or Church Wardens to take such Ways and Means to recover the same as the Laws of this Province direct them to have, within the Parish of which they are the Vestry and Church Wardens.

CHAPTER IX.

An Act for granting to His Majesty the Sum of Fourteen Thousand One Hundred and Fifty Pounds Three Shillings and Two Pence, for the Service of the Public of this Province, and for laying a Tax on the Inhabitants of the same for the Payment thereof; and for Stamping the Sum of Ten Thousand Pounds, Bills of Credit for the more immediate Discharge of Part thereof. Obs.

(Omitted.)

Signed by,

GABRIEL JOHNSTON, ESQ., Governor,

William Smith, President.

WILLIAM DOWNING, Speaker.

LAWS OF NORTH CAROLINA, 1738.

At a General Assembly held at New Bern, the Sixth Day of March, in the Year of Our Lord One Thousand Seven Hundred and Thirty Eight. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act for providing His Majesty a Rent-Roll for securing His Majesty's Rents, for the Remission of Arrears of Quit Rents, and for quieting the Inhabitants in their Possessions; and for the better settlement of His Majesty's Province of North Carolina.

(Repealed by Orders in Council and Omitted.)

CHAPTER II.

An Act to prevent the concealment of Tithables in the several Counties within this Province, for declaring what Persons shall be deemed Tithables, and for defraying the standing and contingent Charges of Government of their Continuance in Office, and directing their Duty therein, and for Granting to his Majesty a Poll-Tax of Five Shillings per Head, to be levied on the Tithable Inhabitants of this Province.

(Repealed Ch. 2, Acts 1743, and omitted.)

CHAPTER III.

An Act for appointing Sheriffs in the Room of Marshalls of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein, and for Abolishing the Office of Provost Marshall of this Province; and for altering the Names of the Precincts into Counties.

I. Whereas the Office of Provost Marshall hath been found to be very inconvenient in this extended Province, the Deputy Marshal not only neglecting, but frequently refusing to do their Duty, to the great delay of Justice, which hath occasioned great Murmurs and Discontents among the Inhabitants of this Province, for Remedy whereof, and to the End that Justice may be more effectually administered, and that Sheriffs may be appointed in each and every County within this Government;

II. We pray that it may be Enacted, And be it Enacted, by His Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the Court that shall be held in each and every County next after the Ratification of this Act, and successively at the said Courts every Two Years, shall recommend to the Governor or Commander in Chief of this Province for the Time being, Three such Persons (being Justices in the same County Court) as they shall think most fit

and able, to execute the Office of Sheriff for their respective Counties, for the two then next succeeding Years; of which Three Persons so recommended, the said Governor or Commander in Chief shall accordingly Commissionate such one as to him shall seem meet for the said Office of Sheriff within such County, for the Two next ensuing Years after such Nomination; during which time the said Sheriff shall not act as a Justice of the Peace in that County.

III. And be it further Enacted, by the Authority aforesaid, That no Person shall, at any time hereafter, be capable to execute or enjoy the Office of Sheriff of any County within this Province, unless such Person, at the Time of his entering into and upon the said Office of Sheriff, shall be a Justice of the Peace in the same County; neither shall it be lawful for any Person to execute or enjoy the said Office for any longer than Two Years, next succeeding each other.

IV. And be it further Enacted, by the Authority aforesaid, that when any Person shall have obtained any Commission for the Office of Sheriff of any County, before he shall be admitted to take the Oath of a Sheriff, or shall enter upon the Execution of his said Office, he shall, at the Court of his County, enter into Bond, to our Sovereign Lord the King, his Heirs and Successors, with Two good and sufficient Securities, in the Sum of at least Five Hundred Pounds Sterling, for his true and faithful Performance of his Office: Which Bond the said County Court is hereby impowered and required to take, and cause to be acknowledged before them in open Court, and recorded in the Records of the County; and shall also, besides taking the Oaths appointed by law for Public Officers, take the following Oath:

I, A. B., do solemnly swear, That I will truly and faithfully execute the Office of Sheriff of the County of C. to the best of my Skill and Ability agreeable to Law; and that I will not take or receive any Bribe from any Person for returning any man to serve as a Juror on any Jury, or for making false Returns of Writs, during the Time I shall continue in the said Office. So help me God.

V. And be it further Enacted, by the Authority aforesaid, That every Person hereafter commissioned to be a Sheriff, for any County within this Province, upon a Recommendation of the County Court in Pursuance of this Act, and thereupon refusing to accept the Office of Sheriff, and to perform the Duty thereof, shall forfeit the Sum of Eight Pounds, Proclamation Money, payable to the next succeeding Sheriff; to be recovered as other Fines and Forfeitures in this Act directed.

VI. And be it further Enacted, by the Authority aforesaid, That if any County Court shall hereafter neglect or refuse to recommend Three Persons to be Sheriffs, according to the Directions of this Act, it shall and may be lawful, in such Cases, for the Governor or Commander in Chief of this Province for the Time being, and he is hereby impowered, to appoint, by his Commission, any one Person, nominated a Justice of the Peace for the said County, as he shall think Proper, Tho' such Person be not then sworn a Justice; and if such Person shall hereafter refuse to accept the Sheriff's Office and to perform the Duty thereof, pursuant to his Commission, he shall forfeit the Sum of Eight Pounds Proclamation Money; to be paid as aforesaid.

VII. And be it Enacted, by the Authority aforesaid, That if any Person, being one of Three Persons recommended by the Justices of the County and appointed Sheriff in Pursuance of the said Act, shall happen to die in the Time of his Sherifffalty, it shall and may be lawful, in such Case, for the Governor or Commander in Chief of his Province for the Time being, and he

is hereby impowered, to appoint one of the Surveyors recommended as aforesaid, to be Sheriff, in his Room; And when any Sheriff appointed upon a Neglect or Refusal of the County Court to recommend Three Persons, according to the Directions of this Act, shall happen to die in the Time of his Sherifalty, it shall be lawful for the Governor or Commander in Chief for the Time being, and he is hereby impowered, to appoint by his Commission, any one Person nominated a Justice in the Commission of the Peace; altho' such new appointed Person be not sworn a Justice; And whatsoever Person so appointed Sheriff upon the Death of another, shall refuse to accept the Office of Sheriff, and perform the Duty thereof, pursuant to his Commission, he shall forfeit the Sum of Eight Pounds Proclamation Money; to be recovered and paid as aforesaid.

VIII. Provided always, That no Member of his Majesty's Council, a Member of the House of Assembly, or elected as such tho' acting as a Justice of the Peace, shall be obliged to execute the Office of Sheriff; any Thing contained in this Act to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures mentioned in this Act, not otherwise applied, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the support of this Government, and the contingent Charges thereof; and shall and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court in this Province wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

X. Provided always, That if any Person hereafter appointed to execute the Office of Sheriff, in any County in this Province, shall be willing to execute the same, but cannot get sufficient Security, for the Performance of his Duty therein, as by the said Act is required, shall make Oath, in the Court of the County for which he shall be appointed Sheriff, that he hath used his best Endeavours, truly and *bona fide*, without Covin and Collusion, to get Security for the Performance thereof, (which Oath the said County Courts are hereby impowered and required to administer) that then such Person making Oath as aforesaid, shall not incur, or be liable to the Forfeiture of the Sum of Eight Pounds Proclamation Money, in this Act mentioned; anything in this Act to the Contrary thereof, in any wise, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That every Sheriff by himself, or his lawful Deputy or Deputies, shall execute all such Writs and Precepts, from Time to Time, as shall be to him directed, according to the Demand thereof; and also, shall make due return thereof in Manner following; that is to say, All Writs and Precepts returnable in any County Court, shall be executed, and Returns thereof made, at least Five Days (excluding Sunday) before the Day therein mentioned for the Return; and all Writs and Precepts returnable in the General Court, shall be executed according to the several Acts of Assembly of this Province, and Return thereof shall be made the First Day of the sitting of the Court: And every Sheriff failing to make sufficient Return of all or any of the Precepts to him directed, as aforesaid, and according to the several Times hereinbefore limited, shall, for every such Offence, forfeit and Pay the Sum of Five Pounds Proclamation Money, unless the Sheriff shew sufficient Cause for such neglect; one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of the contingent Charges of this Government, and the other Moiety to him or them that shall sue for the same, To be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, in which no Essoign, Protection,

or Wager of Law, shall be allowed; and moreover, such Sheriff so failing as aforesaid, shall be liable to an Action at Common Law, at the Suit of the Party injured, for any Damage which shall be sustained by such failure: And if any Sheriff by himself, Officer or Deputy, having executed any Writ or Precept to him directed, shall, by himself, Officer, or Deputy, make false Return thereof, every such Sheriff so offending, shall forfeit and pay the Sum of Ten Pounds Proclamation Money, to be recovered and applied as aforesaid; and also, shall be liable to an Action at Common Law, at the Suit of the Party grieved, for any Damage which shall be sustained by such false Return.

XII. Provided always, That it shall not be lawful for any Sheriff, or his Officer, or Deputy, to execute any Writ or Precept upon the Lord's Day, commonly called Sunday, or upon any Person excepted, or upon the several Days prohibited by the Laws of this Province; and the Execution of any Writ or Precept contrary to the True Meaning hereof, is hereby declared to be null and void: Anything herein contained to the Contrary notwithstanding.

XIII. Provided nevertheless, That it shall and may be lawful for the Sheriff, his Officer, or Deputy, at any Time or Place whatsoever, to arrest and apprehend any Person for Treason or Felony, or Suspicion of Felony, or being accessory thereto, or for any Riot or Breach of the Peace, or upon any Escape out of Prison; any Thing therein contained to the contrary thereof, notwithstanding.

XIV. And be it further Enacted, by the Authority aforesaid, That no Sheriff, or any of his Officers, or Deputies, shall take, or cause to be taken or made, any Obligation, for any Cause whatsoever, by Colour of their Office, but only to themselves, of any Person, nor by any Person, which shall be in their Ward, by the Course of the Law, but by Name of their Office, and upon Condition Written, That the Prisoner or Prisoners shall appear at the Day contained in the Writ, Precept, Bill, or Warrant, and in such Places as the aforesaid Writs, Precepts, Bills or Warrants, shall require, and any Sheriff or other Officer taking an Obligation in any Form, by Colour of that Office, the same shall be null and void.

XV. Provided always, That it shall and may be lawful, to and for any Sheriff or other Officer, to take such other Obligation of any Person or Persons in their Ward, as is or shall be particularly and expressly directed, by any other Act, upon any special Case therein mentioned; any Thing herein contained to the contrary, notwithstanding.

XVI. And be it further Enacted, by the Authority aforesaid, That if any Writ or Precept, in any Civil Action, shall be directed to any Sheriff or other Officer, to attach the Body of any Person which is not to be Found within the County where such Sheriff or other Officer resides, in such Case, Return of the same Writ or Precept within the Time limited shall be made, according to the Truth of the Case, and if the Person against whom such Writ or Precept issued, shall not appear, being thereto lawfully called, by Proclamation, in open Court, at the return thereof, an Attachment shall be awarded against his Estate, returnable at the next Court, at which Time, if the Defendant shall fail to appear, the Estate so attached, or so much thereof as shall be sufficient to pay what shall appear to be due to the Plaintiff, with Cost of Suit, shall be subject to such Rules and Regulations as by the Laws of this Province are made and Provided; but if at the Return of the Attachment as aforesaid, the Defendant shall appear, and give special Bail, then the Attachment shall cease and become void, and the Tryal shall proceed as in

other like Cases, and as if the Defendant had appeared at the Return of the first Writ or Precept.

XVII. Provided always, That no Sheriff or other Officer, shall make Return upon any Writ or Precept, against whom the same issued is not to be found, until he shall have been at the Dwelling house or Place of Residence of such Person, and not finding him, shall there have left an attested Copy of the same Writ or Precept.

XVIII. Provided also, That if any Writ or Precept shall be delivered to any Sheriff or other Officer, to attach the Body of any Person being a known Inhabitant of another County, and not of the County where the said Sheriff resides, in such Case the Sheriff or Officer shall make Return according to Truth of the Case, and not that the Person is not to be found in his County; and thereupon an Alias shall issue, directed to the Sheriff where such Defendant may reside, and that no Variance of the Addition of the Place of Abode shall be deemed Error.

XIX. And be it further Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, it shall and may be lawful for the Sheriffs of the several Counties of this Province, to take and receive to themselves, the several Fees appointed by the Laws of this Province; and liable to, the Penalties for taking extravagant or more Fees than are by Law established.

XX. And be it further Enacted, by the Authority aforesaid, That the Sheriff or Deputy of each County shall, by Turns, attend the General Court, according to a Rule, to be established by the said Court; and shall and are hereby impowered, in Case of default or non-Appearance of Jurors on any principal Pannel, to summon any By-standers, that are Freeholders and qualified to serve as Jurors, tho' such Freeholder or Freeholders may reside in any other County than where the General Court is Held; and that every Sheriff, or his Deputy, shall constantly attend at the Court of the County for which he is Sheriff.

XXI. And whereas Sundry Suits have been, and are now depending in the General Court, or the Courts heretofore called Precinct Courts in this Province, the Process whereof have been executed by the Provost-Marshal or his Deputies: Be it Enacted, by the Authority aforesaid, That in all such Cases, the Provost-Marshal in whose Time such Process was executed, shall be as liable and subject to such payments and Orders of the General Court, or the Courts heretofore called Precinct Courts, as he might or ought to have been if this Act had never been made, and shall be intituled to the same Fees as by Law are appointed in such Case: Any Thing Herein contained to the contrary, notwithstanding.

XXII. And be it further Enacted, by the Authority aforesaid, That from and after the Twenty-fifth Day of March, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, the Office of Provost-Marshal in this Province shall be abolished, and totally cease and determine, as if such Office had never been, And that from and after the Ratification of this Act, the several Precincts within this Province shall be called Counties.

XXIII. And Whereas the Office of Provost-Marshal, by this Act abolished, is vested in Robert Halton, Esq.: who being willing for the Public Good, to give up the said office, and the Assembly taking the same into Consideration, have agreed to give the said Robert Halton, Esq., the Sum of Two Thousand Pounds, Current Bills of Credit of this Province.

XXIV. Be it Enacted by the Authority of the same, That the said Robert Halton, Esq., have the said sum of Two Thousand Pounds paid him out

of the Public Money of this Province; One Thousand Pounds thereof to be paid at passing of this Act, and the other Thousand Pounds thereof to be paid within Three Years next after, if this Act be not, within that Time, Repealed, or upon Notice of the Royal Assent being given to this Act, to be placed in the Estimate of the Public Accounts of this Province, before the breaking up of this Session; and for which, after the Expiration of the said Three Years, or Notification of the Royal Assent to this Act, which shall first happen, it shall and may be lawful for the Governor or Commander in Chief for the Time being, to issue his Warrant for the same.

CHAPTER IV.

An Act, facilitating the Navigation of the several Ports of this Province and for Buoying and Beaconing the Channels leading from Ocacock Inlet, to Edenton, Bath-Town and New Bern, and from Top-sail Inlet, to Beaufort Town, and other Ports and Inlets within the said Province herein mentioned; and for providing sufficient Pilots for the safe Conduct of Vessels.

(Repealed Ch. 10, Acts 1748, and omitted.)

CHAPTER V.

An Act, declaring what shall be deemed a sufficient Cultivation of Lands already granted, or hereafter to be granted, by His Majesty; and for ascertaining the Manner of granting lapsed Lands.

(Repealed by Orders in Council and omitted.)

CHAPTER VI.

An Act, for appointing Circuit Courts, and for enlarging the Power of the County Courts.

(Repealed Ch. 2, Acts 1746, and omitted.)

CHAPTER VII.

An Act, to appropriate Two Thousand Pounds, Current Bill Money, to erect a sufficient Gaol, and Office and Place for the safe keeping the Records of the General Court, and for Repairing the Court-House at Edenton; and for other purposes therein mentioned. Obs.

(Omitted.)

CHAPTER VIII.

An Act, for the Encouragement and Better Regulation of the Town of Edenton.

(Repealed Ch. 1, Acts 1740, and omitted.)

CHAPTER IX.

An Act, for destroying Vermin within this Province. Exp.

(Omitted.)

CHAPTER X.

An Act, to Prevent killing Deer, at Unseasonable Times.

I. Be it Enacted by His Excellency Gabriel Johnston, Esq., Governor by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That it shall not be lawful to kill or destroy any Deer, running wild in the Woods, or unfenced Ground, in this Government, by Gun, or other Ways and Means Whatsoever, between the Fifteenth Day of February, in each Year, and of the Fifteenth Day of July succeeding, after the Ratification of this Act, And if any Person, not being a Servant or Slave shall kill any Deer contrary to this Act, and be thereof lawfully convicted, the said Person, for every Deer so killed or destroyed, shall forfeit and pay the Sum of Five Pounds, current Money.

II. And be it Further Enacted, by the Authority aforesaid, That if any Servant or Slave, by Order or Command of his or her Master, Mistress, or Overseer, shall kill or destroy any Deer, contrary to this Act, the Master, Mistress, or Overseer giving such Order or Command, and being thereof lawfully Convicted, for every Deer so killed or destroyed, as aforesaid, shall forfeit and pay the aforesaid Penalty of Five Pounds, as if the said Master, Mistress, or Overseer had actually committed the Offence.

III. And be it further Enacted, by the Authority aforesaid, That if any Servant or Slave, of his own accord, without any Order or Command from his or her Master, Mistress, or Overseer, shall kill, destroy, or buy any Deer, contrary to this Act, and be thereof convicted, by the Oath of One credible Witness, before a Justice of the Peace of the County wherein the Offence was committed, for every Deer so killed, or destroyed as aforesaid, the said Servant or Slave shall have and receive, on his or her bare Back, Thirty Lashes well laid on, to be inflicted by Order of the said Justice before whom the said Conviction shall be, unless some sufficient Person will become bound to pay, for the said Servant or Slave, the Sum of Five Pounds Current Money, within Six Months, in Lieu of the said Punishment aforesaid, to the Church Wardens of the Parish where the Offence is committed, for the Uses directed by this Act.

IV. And be it further Enacted, by the Authority aforesaid, That one Moiety of the Forfeitures of this Act, shall be to the Church Wardens of the Parish where such Offence is committed, for the use of the Parish, and the other Moiety to the Informer, to be recovered, with Costs, by a Warrant from any Justice of the Peace within this Government; saving unto all Free People, the Right of Appeal to the County Court where the Offence is committed: Which said Court is finally to determine the same; wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

CHAPTER XI.

An Act, for appointing a Town on the Plantation where William Webster now Dwelleth, in Hyde County, on the West Side of Matchapungo River.

(Printed in Private Acts, *post.*)

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

William Smith, President.

WILLIAM DOWNING, Speaker.

LAWS OF NORTH CAROLINA,

1738.

At a General Assembly, held at New Bern, the Eighth Day of March, in the Year of our Lord One Thousand Seven Hundred and Thirty Eight. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act, to supply the defect of an Act, passed last Session of Assembly, intituled, An Act, for appointing Sheriffs in the Room of Marshaalls of this Province, for Prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein, and for abolishing the Office of Provost-Marshall of this Province; and for altering the Names of the Precincts into Counties.

I. Whereas by the aforesaid Act of Assembly, it was, among other Things, Enacted, That the Court of every County in this Government, at the first Court that shall be held in each County next after the Ratification of this Act, shall recommend to the Governor of this Province, Three such Justices of the same County Court as they shall think most fit and able, to execute the Office of Sheriff, for their Respective Counties, for the Two next succeeding Years; of which Three Persons so recommended, the Governor shall commissionate such one of them as to him shall seem meet, to execute the said Office; And whereas it was therein further Enacted, That from and after the Twenty Fifth Day of March, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, the Office of Provost-Marshall of this Province, be abolished and cease, and whereas the Office of Provost-Marshall will cease a considerable Time before Sheriffs can possibly be appointed, according to the Directions of the aforesaid Act, in which Interval of Time no Person or Persons are, by the said Act, authorized to execute the Office of Sheriffs of the respective Counties of this Colony, or any of them, whereby a great Failure of Justice must ensue, unless remedied: for Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, And it is hereby Enacted, by the Authority of the same, That the Governor, or Commander in Chief of this Colony, shall and may constitute and appoint Sheriffs, for each and every County within this Government, to execute their several Offices, from and after the aforesaid Twenty Fifth Day of March, in the Year of Our Lord One Thousand Seven Hundred and Thirty Nine, for and during the Term of Two Years, thence next ensuing; and in Case of Death or the Removal out of this Province of any of them, to commissionate others in their Room, to execute the said Office, for and during the Time then in such case unexpired of the said Two Years And such Sheriffs so constituted by the Governor, are hereby authorized to execute their several Offices, in as full and ample Manner, to all Intents and Purposes, as if they were appointed according to the Directions of the aforesaid Act.

III. Provided always, That every Sheriff so appointed, shall give Bond, with sufficient Securities, in the Sum, and in the Manner by the aforesaid

Act directed, for the faithful Discharge of his said Office; and shall likewise take the Oath of Office therein directed.

IV. And be it Further Enacted, by the Authority aforesaid, That each of the Sheriffs which shall be appointed by the Governor by Virtue of this Act, shall and may execute his Office until he be superceded, according to the directions of the Act of Assembly herein before recited; and likewise, that the several Sheriffs of this Government shall and may take and receive the several Fees by Law appointed for the Provost-Marshal, and shall likewise be intituled to have and receive the Sum of Eight Pounds Proclamation Money, for all Public Services; and likewise, the several sums by Law appointed to Sheriffs, for collecting Public Taxes.

V. And be it Further Enacted, by the Authority aforesaid, That if any Person which shall be appointed by the Governor, by Virtue of this Act, shall refuse to accept the said Office, each Person so refusing, (except such Person as by the aforesaid Act is excepted) shall forfeit and Pay, to the next Person who shall execute the said Office, the Sum of Eight Pounds Proclamation Money; to be recovered and applied in the same Manner as in the before recited Act is directed, in Case of the refusal of a Sheriff so appointed by Virtue thereof.

VI. And be it further Enacted, by the Authority aforesaid, That the several Sheriffs which shall be appointed by the Governor, by Virtue of this Act, shall be liable to all the Penalties in the aforesaid Act mentioned and imposed, for any Misdemeanors which they may have committed in the Execution of their Office; to be recovered and applied as the Forfeitures in the said Act are directed.

VII. And be it further Enacted, by the Authority aforesaid, That from and after the Expiration of the said Two Years Next ensuing the Twenty Fifth Day of March, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, all Sheriffs of this Government Shall, for ever after, be appointed according to the Directions of the Act of Assembly herein before recited, and not otherwise.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,
William Smith, President,
WILLIAM DOWNING, Speaker.

LAWS OF NORTH CAROLINA, 1739.

At a General Assembly, held at New Bern, the Twenty Fifth Day of February, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act, appointing a Treasurer for the several Counties herein mentioned, in the Room of William Downing, Esq., deceased. Obs.
(Omitted.)

CHAPTER II.

An Act, to ascertain the Allowance of His Majesty's Council, and the Members of Assembly, of this Province, and for Payment of all Claims; and to prevent letting out any more of the Loan Money on Interest. Exp.
(Omitted.)

CHAPTER III.

An Act, prescribing the Manner of Proving Book Debts.

I. Whereas the Trade and Merchandize in this Province, is chiefly carried on by Retail, and Goods, Wares, and Merchandizes are generally delivered to those that buy them by the Retailer himself, and it very frequently happens, that no Body is privy thereto but the Buyer and Seller, so that in many Cases, there may be a Defect of Legal Evidence to charge such Buyer, and by that Means the fair Trader may be hindered from recovering a just Debt: And forasmuch as no Law now in force doth determine what shall be lawful Evidence in such Cases, and many Disputes and Difficulties in the several Courts of this Province do frequently arise thereupon, and different Notions and Opinions prevail, and altho' allowing the Plaintiff, in all Cases, to prove his Debt by his own Oath, may have been attended with great Inconveniences, and occasioned frequent Perjuries, yet, on the other Hand, it may be necessary, for the Support of Trade, in such a Course of Dealing, to allow the Plaintiff's Book, proved by his own Oath, to be given in Evidence:

II. Be It Therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That wherever any Person or Persons hereafter shall bring any Action of Debt, or upon the Case, and therein shall declare, upon an *Emisset*, or *Indebitatus Assumpsit*, or *Quantum Valebant*, or *Quantum Meruit*, for Goods, Wares, or Merchandizes, by him sold and delivered, to any Person or Persons,

or for Work or Labour done and performed, and upon the Tryal of such Action, shall declare, upon his Corporal Oath, or solemn Affirmation, as the Case may be, that the Matter in Dispute is a Book Account, and that he hath no Means to prove the Delivery of the Articles therein contained, or any of them, but by his Book; in that Case, such Book, provided it contain the first Entry, shall and may be given in Evidence upon Tryal, if he shall make out, by his own Oath, that such Book or Books doth contain a true Account of all the Dealings between him and the Defendant from the Beginning, or the last Settlement of Accounts between them, and that all the Articles therein charged were, *bona fide*, delivered, and that he hath given all just Credits, due to the Defendant, in such Account; and such Book or Books, and Oath, shall be admitted and received as good Evidence for any of the Articles, for Goods delivered within Eighteen Months before the same Action brought, but not for any article of a longer Standing: And where the Person who delivered such Goods, Wares, or Merchandize, shall die, his Executors, or Administrators, may give his Book or Books in Evidence, upon his or their making Oath, that there are no witnesses, to his or their Knowledge, capable of proving the delivery of the Goods or Merchandizes therein mentioned, and that he or they found the Book or Books, so stated, and do not know of any Credit to be given; and such Book and Oath shall be admitted and received as Evidence for any of the Articles for Goods delivered within the Time aforesaid.

III. Provided nevertheless, That the Defendant shall be at Liberty to contest the Plaintiff's Evidence, and to oppose the same by legal Evidence; and where the Defendant shall be an Executor or Administrator his Testator or Intestate's Book shall and may be given in Evidence against the Plaintiff's Book, where the Plaintiff is Executor or Administrator.

IV. Provided also, and be it further Enacted That no Book of Accounts, altho' the same may be proved by any Witness or Witnesses, shall hereafter be admitted or received in Evidence in any Action, for any money due for Goods, Wares or Merchandizes, hereafter to be delivered, or for Work hereafter to be done, above Five Years before the same Action brought; except in case of Persons residing in Great Britain, or in other Parts beyond the Seas, or out of the Government, or where the Accounts shall be settled and signed by the Parties.

V. Provided nevertheless, and be it further Enacted, That for the Recovery of any Debt now due, for Goods, Wares, and Merchandizes, heretofore delivered, the Plaintiff, within Eighteen Months after the Passing of this Act, shall be allowed to give his Book in Evidence, being proved by his own Oath, in the Manner before directed; and in Case of Executors or Administrators, the like Evidence shall be admitted and received, as is before directed for the Recovery of any debt hereafter to be contracted.

VI. Provided also, That no such Evidence as is herein before mentioned, shall be admitted, received, or taken, in any of his Majesty's Courts of Record in this Province, as a Sufficient legal Evidence, in any Cause wherein the Debt, or the Sum sued for, exceeds Twenty Pounds Proclamation Money; or for any Specie or Commodity or work done that surmounts the value of the said Twenty Pounds Proclamation Money; anything herein contained to the Contrary notwithstanding.

VII. Provided also, That nothing in this Act shall extend to any Ordinary-keepers Accounts; but that the said Ordinary Accounts shall be recovered in Manner as by other Acts heretofore are directed.

CHAPTER IV.

An Act, for Erecting the Village called Newton, in New Hanover County, into a Town and Township, by the Name of Wilmington, and Regulating and ascertaining the Bounds thereof.

(See Ch. 4, Acts 1740.)

I. Whereas several Merchants, Tradesmen, Artificers, and other Persons of good Substance, have settled themselves at a Village Called Newton, lying on the East Branch of Cape Fear river; and Whereas the said village by reason of its convenient situation at the meeting of the Two Great Branches of Cape Fear River, and likewise, by Reason of the Depth of Water, is capable of receiving Vessels of considerable Burthen, Safely in its Roads beyond any other part of the River, and the secure and easy Access from all Parts of the different Branches of the said River, is, upon all those and many other Accounts, more proper for being erected into a Town or Township, than any other part of the said River.

II. Be it Therefore Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Village heretofore called Newton, lying on the East side of the North East Branch of Cape Fear River, in New Hanover County shall, from and after the passing of this Act, be a Town and Township, and the said Village is hereby established a Town and Township, by the Name of Wilmington, the Bounds whereof shall be and are circumscribed in Manner following; that is to say, to the Northeast, by the Lands of his Excellency Gabriel Johnston, Esq.; upwards, and below, by the Lands of Michael Dyer; to the Westward, by the Northeast Branch of Cape Fear River; and to the Eastward, by a Line drawn between the said Lands of his Excellency Gabriel Johnston, Esq., and Michael Dyer, One Hundred and Twenty Poles from the River.

III. And be it further Enacted by the Authority aforesaid, That for ever, after passing this Act, the Inhabitants of and near the said Town, qualified as herein after mentioned, shall have the privilege of chusing one Representative for the said Town, to sit and vote in General Assembly.

IV. And for ascertaining the Method of chusing the said Representative, Be it further Enacted, by the Authority of the same, That every Tenant of any Brick, Stone, or framed habitable House, of the Length of Twenty Feet, and Sixteen Feet Wide, within the Bounds of the said Town, who, at the Day of Election, and for three months next before, inhabited such House, shall be entitled to vote in the Election for the Representative of the said Town, to be sent to the General Assembly: And in Case there shall be no Tenant of such House in the said Town, on the Day of Election qualified to vote as aforesaid, that then, and in such Case, the Person seized of such House, either in fee simple, or fee tail, or for Term of Life, shall be entitled to vote for the Representative as aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That every Person Who, on the Day of Election, and for Three Months' next before, shall be in actual possession or an Inhabitant of a Brick House, of the Length of Thirty Feet, and Sixteen Feet wide, between the Bounds of the said Town upwards, and Smith's Creek, and within One hundred and Twenty Poles of Northeast Branch of Cape Fear River, shall be entitled to, and have a Vote in the Election of a Representative for the said Town, (unless such a Person be a Servant) and shall, as long as he continues an

Inhabitant of such House, within the said Bounds, enjoy all the Rights, Privileges, and Immunities, to which any Inhabitant in the said Town shall be entitled, by virtue of this Act.

VI. And be it further Enacted, by the Authority aforesaid, that no Person shall be deemed Qualified to be a Representative for the said Town, to sit in the General Assembly, unless, on the Day of Election, he be, and for Three Months next before, was seized, in Fee Simple, or for Term of Life, of a Brick, Stone, or framed House, of the Dimensions aforesaid, with one or more Brick Chimney or Chimnies.

VII. And be it further Enacted, by the Authority aforesaid, That for ever, after the passing of this Act, the Court of the County of New Hanover, and the Election of the Representatives to be sent to the General Assembly, and the Elections of Vestrymen, and all other Public Elections, of what kind or Nature soever, for the said County and Town, shall be held and made in the Town of Wilmington, and no other Place whatsoever; any Law, Statute, Usage or Custom to the Contrary, notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Collector and Naval Officer of the Port of Brunswick, (of which Port the said Town of Wilmington is the most central and convenient Place, both for Exportation and Importation, by Reason of its Navigation and Situation), shall constantly reside in the said Town, and there keep their respective Offices, until his Majesty shall be pleased to, give his Directions to the contrary: And likewise, the Clerk of the Court of the County of New Hanover, and the Register of the said County shall constantly hold and execute their respective Offices in the said Town of Wilmington: And that if either of the said Officers neglect or refuse so to do, he so neglecting or refusing, shall for every Month he shall be a Delinquent, forfeit and pay the sum of Five Pounds Proclamation Money; to be sued for and recovered, by him who shall sue for the same, in the General Court of this Province, or in the County Court of New Hanover, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed, and one Half of such Forfeiture shall be for the Use of the Person who sues for the same, and the other Half paid to the Commissioners, for the Time being appointed for regulating the said Town.

IX. And for the due regulation of the said Town, Be it further Enacted, by the Authority aforesaid, That Robert Halton, James Murray, Samuel Woodard, William Farris, Richard Eagles, John Porter, and Robert Walker, Esquires, are hereby established and appointed Commissioners for the said Town; and the said Commissioners, or a Majority of them, and their Successors, shall have, and be invested, with all Powers and Authorities, within the Bounds of the said Town of Wilmington, in as full and ample Manner, as the Commissioners for the Town of Edenton have or possess, by Virtue of any Law heretofore passed.

X. And whereas the Justices of the County Court of New Hanover, at the Court held at Brunswick, on Tuesday the Eleventh Day of December last, have imposed a Tax of five Shillings per Poll, to be levied on the Tithable Inhabitants of the said County, between the First Day of January, and the First Day of March, One Thousand Seven Hundred & Thirty Nine; and afterwards, one other tax of Five Shillings per poll to be levied on the said Inhabitants between the first Day of January and the first day of March, One Thousand Seven Hundred and Forty; towards building a Court House and Gaol in the Town of Brunswick, for the said County.

XI. Be it Enacted, by the Authority aforesaid, That the Justices of the the said County Courts shall, and are hereby directed, to apply the said levy or Tax towards finishing and compleating the Court House already erected in the said Town of Wilmington, and towards building a Gaol in the said Town.

XII. And be it further Enacted, by the Authority aforesaid, That if any one or more of the said Commissioners shall die, or remove out of the County, that then and in such Case, the surviving or remaining Commissioners shall, within Six Months after the Death or Removal of such Commissioner, present to his Excellency the Governor or Commander in Chief for the Time being, Three Persons, one of which the said Governor or Commander in Chief is hereby empowered to nominate and appoint; and the Commissioner so appointed shall be invested with the same Powers and Authorities, as any Commissioner nominated by this Act. *

Signed by

GABRIEL JOHNSTON, ESQ., Governor,

William Smith, President,

JOHN HODGSON, Speaker.

LAWS OF NORTH CAROLINA, 1740.

At a General Assembly, held at Edenton, the Twenty First Day of August, in the Year of our Lord One Thousand Seven Hundred and Forty. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act, for Confirming Titles to the Town Lands of Edenton, for securing the Priviledges heretofore granted to the said Town, and for further Encouragement and better Regulation thereof.

I. Whereas, Pursuant to the several Acts of Assembly of this Province heretofore passed and Ratified, Four Hundred and Twenty Acres of Land, lying in the Fork of Queen Ann's Creek, in Chowan County, in the Province aforesaid, bounded Eastward, by the Lands of Miles Gales; Northward, by the Lands of William Badham, deceased, and George Lisles; on the Westward, by the Beaver Dam and Creek, and on the Southward, by the Sound, was purchased by the Public, and hath been laid out for a Town, called Edenton, and part thereof divided into Lots of Half Acres, as will more fully appear by the Plan thereof, already laid out, with convenient Streets, Passages, Place for a Church, Governour's House, Court House, Burying Place, Market Place, and Council Room and other Purposes And, by the said Act, were vested, in Fee, in Commissioners or Trustees, to dispose thereof according to the Directions of the said several Acts, many of which Commissioners or Trustees have conveyed Lots or Half Acres to several Persons, who built thereon, and have made a considerable Improvement; and the Residue of the said Four Hundred and Twenty Acres was reserved for a Town Common.

II. And whereas several of the said Acts have been since repealed, expired, or stand suspended, whereby many Inconveniences and Mischiefs, may arise, the Improvement and building of the said Town very much retarded, the Power of the Commissioners and Trustees become dubious, and the Persons Titles to such Lots Precarious: For Remedy whereof, and to Prevent Disputes that may happen, and for the better securing the ancient Priviledges of the said Township, and Regulation thereof.

III. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the said Four Hundred and Twenty Acres, so purchased and laid out for the said Town of Edenton, pursuant to the said Acts of Assembly, and vested in Commissioners or Trustees, according to the said several Acts, such Commissioners or Trustees so invested, are hereby declared to have a good absolute, and indefeasible Estate, in fee, in such Lands respectively, in Trust and Confidence, to and for the uses of the said several Acts, and the Commissioners and Trustees hereafter mentioned, are hereby declared to have a good, absolute, and indefeasible Estate, in Fee, in all such Lands and Lots which have not been disposed of by the former Commissioners or Trustees, but in Trust and Confidence, to and for the Use and Uses hereinafter mentioned relating to the said Town of Edenton, and for no other Use or Purpose whatsoever; and the said Lands and

Lots are hereby Confirmed to the said Commissioners or Trustees in Fee, to such Use or Uses, Anything in the Repealing, Expiring, Suspension of any of the said Acts, or any other Law, Statute, Usage, or Custom, to the Contrary, notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, That if any Person or Persons have Purchased and paid for any Lot or Lots, Half Acre or Half Acres of Land in said Town of Edenton, of any of the Commissioners or Trustees, pursuant to the said several Acts, and have fully complied with the Conditions in the said several Acts mentioned, such Person or Persons are hereby declared to be vested with, and to have a Good, absolute, and indefeasible Estate, in Fee, to such Lot or Lots, Half Acre or Half Acres of Land; and the same is hereby confirmed, in fee, to such Person or Persons, and to his, her, and their Heirs and Assigns, forever.

V. And be it further Enacted, by the Authority aforesaid, That the Honourable William Smith, Esq.; John Hodgson, Esq.; Abraham Blackball, Joseph Anderson, and James Craven, Gentlemen, are hereby appointed Commissioners or Trustees, to and for the several Uses and Purposes declared by this Act, and Impowered and invested with all the Priviledges hereafter expressed, forever.

VI. And that the full number of Commissioners may be always kept up, Be it further Enacted, by the Authority aforesaid, That in Case of Death, or Removal out of the County of Chowan, of any of the aforesaid Commissioners or Trustees, at any Time hereafter, the remaining Part of the said Commissioners or Trustees, are hereby authorized and impowered to make Choice of some other Person or Persons, being Freeholders of the said Town to succeed such Commissioner or Commissioners, Trustee or Trustees, so dying or removing as aforesaid; and such Person or Persons so elected or chosen, are hereby invested with as full Power and Authority, to all Intents and Purposes whatsoever, as the aforesaid Commissioners or Trustees now nominated or appointed.

VII. And be it further Enacted, by the Authority aforesaid, That John Hodgson, Esq., one of the Commissioners or Trustees as aforesaid; shall be appointed present Treasurer and Receiver of all Monies arising by Virtue of this Act; and on his Death or Removal out of the County of Chowan, then the First Commissioner shall succeed and be Treasurer, first giving Security, to the Justices of the County Court of Chowan, for the just Performance of the said Trust.

VIII. And be it further Enacted, by the Authority aforesaid, That the Lots of Half an Acre each, or thereabouts, not taken up and disposed of, be disposed of by the Commissioners or Trustees aforesaid, as hereafter in this Act is directed.

IX. And be it further Enacted, by the Authority aforesaid, That the Places already laid out, as by the Plan of the said Town may more fully appear, for Streets, Passages, Church, Governour's House, Court House, Burying Place, Market Place, Prison, Council Room, and Town Common, be reserved for those Uses, and no other.

X. And be it further Enacted, by the Authority aforesaid, That every Person whatsoever who is desirous to be an Inhabitant of the said Town, shall have Free Liberty to take up any Lot or Lots, already laid out and not before taken up; which Lot or Lots the Commissioners or Trustees aforesaid, or any Three of them, whereof the Treasurer to be one, are hereby required, directed, and impowered, to grant, convey, and acknowledge, to the Person or Persons so taking up the same, and to his and their Heirs and

Assigns, for ever, in Fee simple, for the consideration of Ten Shillings Proclamation Money, for each and every Lot by them so granted; which shall be appropriated as by this Act hereafter is directed.

XI. Provided always, That if any Person or Persons whatsoever, shall take up and purchase any Lot or Lots, as in Manner before directed, and shall not build, or cause to be built thereon, for each and every Lot or Lots so taken up and purchased, within Two Years after the Date of the said Conveyance, a good, substantial, Brick, Stone, or framed Habitable House, not of less Dimensions than Twenty Feet long, Fifteen Feet in Width, and Eight Feet in Height, between the first floor and the Joists, or in Proportion for each and every Lot or Lots, or make such Preparation for so doing as the Commissioners, or the Majority of them, shall judge reasonable to secure the same, every such Conveyance shall be, and is hereby declared void and of none effect, as if the same had never been made; and that the same Lots be free and clear for any other Person to take up and purchase, as in Manner before directed.

XII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person, who is Owner of a Front Lot or Lots, to erect or build a Ware House, Store House, Wharfs, or other Conveniences, for their Landing and Storing of Goods, on any Part of the Land fronting their own Lot or Lots, and as far out into the Water as he or they shall think proper, not going further than the Edge of the Channel, paying for the same, to the aforesaid Commissioners or Trustees, for each and every Front Lot, Five Shillings Proclamation Money; to be appropriated as by this Act is hereafter directed; which Commissioners or Trustees are hereby impowered to make him, her, or them, Grants or Conveyances, in Fee simple for the same: And in Case the Owner or Proprietor of any Front Lot or Lots shall not, within Six Months after Notice given by any Person, purchase or take up his or her Front, and likewise shall not within two Years after the purchase thereof, secure the Front Street Fifty Feet from the Waters Encroachments, that it shall and may be lawful for any Person to take up the same, under the Conditions aforementioned.

XIII. And be it further Enacted, by the Authority aforesaid, That if any Person, after the First Day of May next, shall erect, repair, or cause to be erected or repaired any Wooden Chimney within the said Town, such Person so offending, shall forfeit and pay, for each and every offence, the Sum of Ten Pounds Proclamation Money; to be recovered and appropriated as hereafter by this Act is directed.

XIV. And be it further Enacted, by the Authority aforesaid, That the Commissioners or Trustees as aforesaid, or any Three of them, shall within Six Months after the Ratification of this Act, meet and lay a Tax on each and every Person, according to the Number of his or her Lot or Lots, Half Acre or Half Acres of Land, by him or them held within the said Town (Fronts excepted), sufficient to raise a Fence round the said Town, and Town Common, as the Commissioners or Trustees aforesaid, or any Three of them, shall think sufficient, so as the said Fence be compleated within Eighteen Months after the Ratification of this Act; under the Penalty of Five Pounds Proclamation Money, on each and every Commissioner: And in Case any Person or Persons shall neglect or refuse to pay, on Demand, his or her Tax so laid by the aforesaid Commissioners or Trustees, by Virtue of this Act, such Person or Persons so Offending, shall forfeit and pay the Sum of Two Shillings and Six Pence Proclamation Money, over and above the said Tax,

for each and every Lot he or she hath a Conveyance for; to be recovered and appropriated as hereafter in this Act is directed.

XV. And be it further Enacted, by the Authority aforesaid, That if any evil minded Person shall, in the Night, or at any Time or Times, whatsoever, pull down the said Town Fence, or any Part thereof, in Order to let in any Person's Hogs, Cattle, or Horses, within the said Town Inclosure, or shall otherwise drive pigs, Cattle or Horses, into or out of the said Town, such Person so offending shall forfeit and pay, for each and every Offence, the Sum of Ten Pounds Proclamation Money; to be recovered and appropriated as by this Act is hereafter directed.

XVI. And be it further Enacted, by the Authority aforesaid, That each and every Person or Persons, possessed of any Lot or Lots in the said Town, or hereafter shall be possessed, and not yet cleared, shall, in the Space of Three Months after the passing of this Act, or within Three Months after, he, she, or they shall have purchased any Lot or Lots, cut down all the Wood and Brush-wood in the same, and, once in each Year, do the like; and in Case of Neglect or Refusal of any Possessor or Possessors of a Lot or Lots to perform the same, in Manner aforesaid, such Possessor shall forfeit and pay, for each and every offence, the Sum of Five Shillings Proclamation Money, for each and every Lot he, she, or they, shall have a Conveyance for, to be recovered and appropriated as in this Act is hereafter directed.

XVII. And be it further Enacted, by the Authority aforesaid, That from and after the Time the aforesaid Fence shall be compleated, it shall and may be lawful for any Person to take up and pound any Hog, Shoat, or Pig, that shall be found ranging at large in the said Town, so long as the said Fence shall be kept in good Repair: And such Hogs, Shoats or Pigs, so taken up and pounded, shall be sold at Vandue, and the Money arising by such Sale given to the Poor residing in the said Town, by the Commissioners or Trustees aforesaid: and for preventing Annoyances and Nusances in the said Town.

XVIII. Be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall throw out, or lay in any Street, or upon any Public place in the said Town, any Dirt, Rubbish, Dust or Mortar, except such Person or Persons who are building or Repairing a House or Houses in the said Town, during the Time they are building or repairing such House or Houses, such Person or Persons so offending shall forfeit and pay to the aforesaid Commissioners or Trustees, for each and every Offence, the Sum of Ten Shillings Proclamation Money; to be recovered and Appropriated as in this Act is hereafter directed: And if any such Offence is committed by any Servant or Slave, such Servant or Slave shall be punished by Whipping, not exceeding Thirty Lashes, at the Direction of any Three of the Commissioners.

XIX. And be it further Enacted, by the Authority aforesaid, That as often a Overseer of the said Town shall summon the Male Tithables thereof to work on the Roads or Streets, he shall have full Power to direct the said Tithables to clear the Roads, Streets, and Public Places, of all Woods, Weeds, Rubbish, and other Nusances; and if any Person shall refuse to observe the Overseer's Directions therein, he shall forfeit and pay, for each and every Offence, the Sum of Ten Shillings Proclamation Money; to be recovered and appropriated as hereinafter is directed; and if the Person refusing be a Servant or Slave, the Master or Mistress of such Servant or Slave is hereby made liable to pay the same.

XX. And be it further Enacted, by the Authority aforesaid, That the

Commissioners or Trustees shall lay out, or cause to be laid out, within Six Months after the Ratification of this Act, the several Streets and Passages of the said Town, as described in the Plan thereof, and shall fix and put up good Posts to ascertain the Bounds of the several Streets of the said Town and for the Expence and Trouble of the said Commissioners or Trustees in the Service of the aforesaid, they shall be paid out of the Fines and Forfeitures arising by Virtue of this Act.

XXI. And be it further Enacted, by the Authority aforesaid, That the Right and Privilege of Electing a Representative for the said Town of Edenton, to sit in the General Assembly, be, and is hereby confirmed, that the Freeholders of the said Town shall, forever, have liberty, at all Times hereafter, to elect and choose a Member to sit in General Assembly; and a Writ of Election shall issue, to the Inhabitants of the said Town, to choose a Member to represent them in the said Assembly, at such Times, and in the same Manner, as the said Writs are issued for choosing Representatives for the several Counties in this Province to sit in the General Assembly.

XXII. And be it further Enacted, by the Authority aforesaid, That no Person, for the future, shall be deemed or taken to be qualified for a Representative for the said Town, except he has been Owner of one saved Lot in his own Right, in the said Town, at least one Year before he is chosen; any Thing in any Act to the contrary, notwithstanding.

XXIII. And be it further Enacted, by the Authority aforesaid, That no Person shall be deemed or taken to be qualified to give his Vote for a Representative for the said Town, to sit in General Assembly except he has been Owner of One saved Lot at least Six Months before such Election.

XXIV. And be it further Enacted, by the Authority aforesaid, That the Treasurer of the said Town, from and after the Ratification of this Act, shall be obliged to keep his Office, and a Plan of the Town, in the said Town, under the Penalty of One Pound Proclamation Money, for each and every month he shall neglect or refuse to do the same, to be recovered and appropriated as by this Act is hereafter directed.

XXV. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act mentioned, not exceeding Twenty Shillings Proclamation Money, shall be recovered by a Warrant from under the Hands and Seals of any Three of the aforesaid Commissioners or Trustees; and all Fines, above Twenty Shillings Proclamation Money, shall be recovered, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Injunction, or Wager of Law shall be allowed or admitted of; any Law, Usage or Custom to the contrary notwithstanding; Which Fines and Forfeitures may be discharged in Commodities, as rated in the Act intituled, An Act for the finishing the Church at Edenton.

XXVI. And be it further Enacted, by the Authority aforesaid, That all the Money arising by the Sale of Lots in the said Town, as also all Fines and Forfeitures in this Act mentioned, after the Commissioners' or Trustees' reasonable Charges and Expenses for their several Services are deducted, shall be appropriated, laid out, and applied, to such Use or Uses as the Commissioner or Trustees, or any Three of Them, shall think convenient, for the better Encouragement of the said Town.

XXVII. And be it further Enacted, by the Authority aforesaid, That an Act, passed in the Year One Thousand Seven Hundred and Thirty Eight, intituled an Act for Encouragement and better Regulation of the Town of Edenton, and every Clause, Matter, and thing therein contained, shall be,

and is hereby Repealed and made null and void, to all Intents and Purposes whatsoever.

CHAPTER II.

An Act to enable the Commissioners herein after appointed, to erect and finish a Church in New Bern, in Craven County and Parish, in the Province aforesaid, and for the better Regulating the said Town; and other Purposes therein mentioned.

1. Whereas the late Vestry of Craven Parish, in the Year One Thousand Seven Hundred and Thirty Nine, laid a Levy on all and every the Tithables in the said Parish, for and towards the building a Church in the Town of New Bern, in the aforesaid Parish, and appointed Commissioners to manage and carry on the same, and to apply the said Levy to the Purpose aforesaid; which Commissioners have made One Hundred Thousand Bricks, and have been at other Expences towards building the said Church, but the said Levy not amounting to a sufficient Sum to compleat the same, and the present Vestry neglecting to lay a further Levy on the Tithable Inhabitants of the said Parish, for the finishing of the said Church.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That a Tax of One Shilling and Six Pence Proclamation Money, for Two Years, next ensuing the Ratification of this Act, be laid, and it is hereby laid, on each and every Tithable Person within the said Parish of Craven, to defray the Expence and Charge of building and compleating the said Church, to be paid Yearly, in such Commodities as are hereafter rated, viz. Pork, good and merchantable, dry salted, per Barrel, Thirty Shillings Proclamation Money; Beef, dry salted, per Barrel, good and merchantable, Twenty Shillings; drest Deer Skins, Two Shillings and Six Pence per Pound; Tallow, Four Pence per Pound; Bees Wax, Ten Pence Half Penny per Pound; Rice, per Hundred, Ten Shillings; to be paid at such Times and Places as are directed for the Receipt of his Majesty's Quit-Rents, in and by an Act intituled an Act for providing his Majesty a Rent-Roll, for securing his Majesty's Quit-Rents, for the Remission of Arrears of Quit-Rents, and for quieting the Inhabitants in their Possessions, which said Tax shall be collected Annually and received by John Bryan, Gentleman, he first giving Security, in the Sum of Four Hundred Pounds, Proclamation Money, to the Justices of the County Court of Craven, for the Faithful Discharge and Payment of the same, who shall be allowed Four per Cent. for attending, receiving and paying thereof; and that upon Receipt of any Commodity or Commodities, Sum or Sums of Money, for the Use aforesaid, the same shall be by him paid to the Commissioners, or the Majority of them, or their Order, for the Use aforesaid.

III. And be it further Enacted by the Authority aforesaid, That each Inhabitant of the said Parish, who shall not pay or cause to be paid, the Tax herein before mentioned, at the Times and Places aforesaid, to the said John Bryan, as in and by this Act is directed, such Person or Persons so failing shall, for each default, forfeit and pay the Sum of Four Shillings, Proclamation Money, for each Tithable for which he ought to have paid the said Tax, besides Costs; to be levied by a Warrant from under the

Hand and Seal of one or more of the Justices of the Peace of the County aforesaid, upon the Goods and Chattels of the Delinquent: Which Forfeiture or Forfeitures shall be paid to the said John Bryan, or any other person appointed by the said Commissioners or the Major part of them, and by them applied towards the building of the said church.

IV. And be it further Enacted by the Authority aforesaid, That George Roberts, William Wilson, George Bold, William Herritage, and Adam Moor, Gentlemen, are hereby appointed Commissioners to receive the said Levies from the said John Bryan, when by him received and collected, and to contract and agree with fit and proper persons for the building and compleating the said Church, in a neat and Workman-like manner: And the said John Bryan shall, and is hereby directed, to account with the Commissioners aforesaid, when required, for the several Commodities and Sums by him collected and received, in Manner aforesaid.

V. And be it further Enacted by the Authority aforesaid, That any Person or Persons who shall subscribe any Sum or Sums of Money, for and towards the building the Aforesaid Church, and shall afterwards refuse payment of the said Sum or Sums mentioned to be paid by such subscription, such Person or Persons shall be liable for the same, and the Commissioners or the major Part of them, for the Time being, are hereby authorized to sue for the same, in the same Manner as any Person may be sued, for Non-payment of Money due by a Promisory Note.

VI. And whereas the late Vestry of Craven Parish laid a Levy in the Year One Thousand Seven Hundred and Thirty Nine, on all the Tithables in the said Parish, towards building and compleating the said Church; which said Levy is found insufficient to carry on and compleat the said work, a considerable Part whereof is yet unpaid and uncollected:

VII. Be it therefore further Enacted, by the Authority of the aforesaid, that the following Persons who have not already paid the said Tax or Levy, are hereby commanded and required to pay the said Levy in current Bills, as laid by the said Vestry, in the same Manner, and at the same Time and Places, and to the same Person as before mentioned, and under the same penalties as in and by this Act is before directed.

VIII. And be it further Enacted by the Authority aforesaid, that all Persons who have been heretofore Church wardens, or that now are Church wardens, or that have heretofore been Commissioners, and all Persons whatsoever who have any Parish Money in their Hands for the Use aforesaid, do forthwith, after the Ratification of this Act, account with the Commissioners aforesaid, or the Majority of them, and to pay them or their Order on Demand, all and every such Sum or Sums of Money, that shall appear to be due, owing, and in Arrears, under the Penalty of Ten Pounds Proclamation Money, over and above the Sum due, owing, and in Arrears, to the Parish aforesaid, to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General or County Court.

IX. And be it further Enacted by the Authority aforesaid, That on the Death or Removal out of the County aforesaid, of any of the aforesaid Commissioners, the Majority of the said Commissioners are hereby Authorized and empowered to appoint a proper Person or Persons, who shall be deemed duly qualified to act in his or their Room and Stead.

X. And whereas there has been great Differences and Disputes about the Bounds and Limits of the said Town of New Bern, which hereafter may be of pernicious Consequence to the Freeholders of the said Town, as well as a Discouragement for others to settle therein.

XI. Be it therefore further Enacted, by the Authority aforesaid, that

the Justices of the Court of Craven County, at the Court to be held for the said County next after the Ratification of this Act, or at any other subsequent Court, shall, and they are hereby required to appoint a Day, whereon the Freeholders of the said Town, shall meet at the Court House in the said Town, and whereof the said Freeholders shall have Notice, and with a sworn Surveyor for that purpose, by the said Court appointed, shall admeasure and lay out the Metes and Bounds of the said Town, pursuant to an Act of the General Assembly of this Province, intituled, An Act for the better settling the Town of New Bern, in the Precinct of Craven, and shall lay out the Streets, and affix Marks, at the Corners of each and every Lot already taken up and saved at the joint Cost and Charge of the Freeholders of the said Town, which Charge shall be Assessed by the President or Chairman of the said Court, with two other of the Justices of the Peace of the said County and two Freeholders, to be appointed by the Court next succeeding such admeasurement, laying out, and marking of the said Streets and lots, or any other subsequent Court, and shall be paid by the Freeholders of the said Town respectively, in proportion to the number of the saved Lots, that he, she, or they, shall hold in the said Town, to the said Justices, to defray the said Charge of admeasuring, laying out, and marking, as aforesaid: and on default or Non-payment, of their respective proportion of the Charge so assessed, within Ten Days after such Assessment and Demand of the same, the said Assessment shall be Levied by a Warrant from any one Justice for the said County, upon the Goods and Chattels of such Delinquent or Delinquents, and sold at Vandue, Five Days after such Distress, rendering the overplus, if any, Charges first deducted, to the owner.

XII. And whereas in and by the aforesaid Act of Assembly, there was a Lot laid out in the said Town for a Church, which said Lot being insufficient, and not so commodious for the said use, and all the adjacent Lots being taken up and saved, wherefore the said Vestry have taken up Four Lots, more convenient and commodious, for erecting a Church, and for a Church-yard, and other Parish Uses.

XIII. Be it therefore Enacted, by the Authority aforesaid, that as soon as the said Church shall be fit to celebrate Divine Service in, the said Four Lots shall be saved, to the Parish for the Purposes aforementioned, in as full and ample a Manner as if the said Parish had erected a House on each of the said Lots, of the Quality and Dimensions prescribed by the said Act for saving Lots in the said Town.

XIV. And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, are hereby impowered and directed, to make sale and dispose of the above mentioned Lots, at Public Vandue, after Four Days' notice given, and to apply the Money arising from such Sale, towards the building of the said Church: Any Law to the contrary, in any wise, notwithstanding.

CHAPTER III.

An Act to enable the Commissioners herein after mentioned, to finish the Church already begun at Edenton.

I. Whereas several well disposed Persons have voluntarily subscribed, and contributed several Sums of Money, to build and erect a Church in Edenton, for the advancement of Religion, and thereby appointed several Commissioners, to manage and carry on the same, and to apply such Chari-

table subscriptions and Contributions to that Purpose; Which said Commissioners have carried on, and, in Part, built the same; but some of the Commissioners being Dead, and there not being a sufficient Sum raised to compleat the said Work, and the Vestry of the Parish refusing to assist therein, the said building may become ruinous, and all the Money already expended will thereby be lost, to the great Discouragement of Religion and of such Good and pious intentions: Therefore, to prevent the same, and to promote so laudable a Work, and in order to raise a sufficient Fund for finishing the said Church:

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That a Tax of Two Shillings, Proclamation Money, for Two Years next ensuing, be laid on each and every Tithable Person within the said Parish, or County of Chowan, to defray the Expence and Charge of Compleating and finishing the said Church; to be paid Yearly, in such Commodities as are hereafter rated, viz., Tobacco, at Ten Shillings per Hundred; Bees-wax, at Ten Pence Half Penny per pound; Tallow, at Four Pence per Pound; Pork, good and merchantable, at Thirty Shillings per Barrel, not less than Two Hundred and Twenty Weight in each Barrel; or if in Current Bills, at Seven and a Half for One, in Lieu of Proclamation Money; to be paid at such Times and Places, and in such Manner, as in and by an Act, intituled, an Act for providing his Majesty a Rent-Roll, for securing his Majesty's Quit-Rents, for the Remission of Arrears of Quit-Rents, and for quieting the Inhabitants in their Possessions, is directed; Which said Tax shall be Annually received by William Luten, Gentleman, he first giving security, in the Sum of Six Hundred Pounds, Proclamation Money, to the Justices of the County Court, for the Faithful Discharge and Payment of the same, who shall be allowed Four per Cent for attending, receiving and paying the same, and that upon Receipt of any Commodity or Commodities, Sum or Sums of Money, for the Use aforesaid, the same shall be by him paid to the Commissioners, or the Majority of them, or their Order, for the Use of the said Church.

III. And be it further Enacted, by the Authority aforesaid, That each Inhabitant in the said Parish, who shall not pay, or caused to be paid, each and every Year, the Tax hereinbefore mentioned, at the Times and Places aforesaid, to the said William Luten, as in and by this Act they are directed; such Person so failing shall, for each Default, forfeit and pay the Sum of Four Shillings, Proclamation Money per Tithable, besides Costs; to be levied by a Warrant from under the Hand of one or more Justices of the Peace of the County aforesaid, upon the Goods and Chattels of the Delinquent; Which Forfeiture shall be paid to the said William Luten, or any other Persons appointed by the said Commissioners for that Purpose, and by them to be applied towards the building and compleating of the said Church.

IV. And be it further Enacted by the Authority aforesaid, That all Persons who have subscribed, or shall hereafter subscribe, to pay any Sum or Sums of Money, for and towards the building the aforesaid Church, and refuse payment of the said Sum or Sums mentioned to be paid by such Subscription, such Person or Persons shall be liable for the same, and may be sued by the Commissioners aforesaid, or the Survivors of them, in the same Manner as any Person may be sued for Non-Payment of Money on a Promisory Note: And that the said Commissioner also have full Power and

Authority to demand and receive of all Persons whatsoever, that have any Money in their Hands which was formerly raised, given, or contributed, for and towards the use of the said Church, and in Case of Refusal or Non-Payment of the same, to bring Action or Actions, in their own Name, for Recovery thereof.

V. And be it further Enacted, by the Authority aforesaid, That the Honourable William Smith, Esqr., John Montgomery, and John Hodgson, John Blount, John Benbury, Abraham Blacknall, and James Craven, Gentlemen, are hereby appointed Commissioners to receive the said levies from the said William Luten when received and collected; and to contract and agree with fit and proper Persons for finishing the said Church, in a neat and Workman-like manner, as begun: And the said William Luten shall, and he is hereby directed, to account with the Commissioners aforesaid, when called upon and required, for the several Commodities and Sums by him collected and received.

VI. And whereas the Vestry of the Parish of Chowan, in the Year One Thousand Seven Hundred and Thirty six, laid a Levy of Twenty Shillings per Tithable, and in the Year One Thousand Seven Hundred and Thirty Seven, laid another Levy of Ten Shillings per Tithable, in Current Bills, towards building the said Church, a considerable Part of which is yet unpaid and uncollected.

VII. Be it therefore Enacted, and it is hereby Enacted, by the Authority aforesaid, That the several Persons who have not already paid the said Taxes, are hereby required and commanded to pay the same, in Current Bills, as laid by the said Vestries, or in Lieu thereof, in Commodities aforesaid, in the same Manner, and at the same Times and Places, and to the same Person, as before mentioned, and under the same Penalties as in and by this Act is before directed.

VIII. And be it further Enacted, by the Authority aforesaid, That all Persons who have been heretofore Church wardens or Commissioners, as also all other Persons whatsoever, who have any Parish or Subscription Money in their Hands, unpaid or unaccounted for, do forthwith, after the Ratification of this Act, account with the Commissioners aforesaid, and pay to them, or their Order, on Demand, all such Sum and Sums of Money, which shall appear to be due, owing, and in Arrear, under the Penalty of ten Pounds Proclamation Money, over and above the Sum so due and in Arrear, to the Parish aforesaid; to be recovered by action of Debt, Bill, Complaint, or Information, in the General or County Court.

IX. And be it further Enacted, by the Authority aforesaid, That on the Death or Removal out of the County aforesaid of the said William Luten, or any of the aforesaid Commissioners, that the Majority of the Commissioners are hereby impowered and authorized to make Choice of a proper Person or Persons who shall be deemed duly Qualified to act in his or their Room and Stead.

X. And be it further Enacted, by the Authority aforesaid, That when the said Church shall be fit to celebrate Divine Service in, all Meetings of Vestries for the said Parish, being first duly summoned, shall be held at the said Church, and at no other Place in the said Parish, under the Penalty of Ten Shillings, Proclamation Money, besides Costs, for each and every Vestryman so refusing or neglecting; to be levied by a Warrant from under the Hand of one or more Justices of the Peace of the County of Chowan, upon the Goods and Chattels of each and every Vestryman so offending, to be by the said Commissioners applied to and for the Use of the said Church.

CHAPTER IV.

An Act for the better Regulation of the Town called Wilmington, in New Hanover County; and to establish the Church of the Parish of St. James, to be built in the said Town.

I. Whereas it is found, by Experience, that the erecting of a Village formerly called Newton, into a Town and Township, by the Name of Wilmington, has greatly promoted the Trade and Interest, and contributed to the Ease and Convenience of the Inhabitants of the Counties of New Hanover, Bladen, and Onslow: And whereas several Disputes have arisen about the Validity of an Act of Assembly intituled an Act for erecting the Village called Newton, in New Hanover County, into a Town and Township, by the Name of Wilmington, and for regulating and ascertaining the Bounds thereof, which was ratified by the Governor in the last Session of the General Assembly, held at New Bern, which Disputes have raised Doubts, and much perplexed the minds of several of the Inhabitants of the said County of New Hanover: For removing of Which, and for Quieting the Minds of the said Inhabitants, and for the further and better Encouragement and Regulation of the said Town.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That every Act, Matter and Thing, done, acted, and performed by the Inhabitants of the said Town, or by the Justices and Freemen of New Hanover County, or by the Church wardens and Vestrymen of the said County, and every of them, shall be deemed valid and good, notwithstanding any real or pretended Defect in the Manner of passing the said Act; and that by Reason of the Removal of the County Court of New Hanover from a Village called Brunswick, in that County, to the said Town of Wilmington, no Cause, Suit, Plaint or other Matter, of what Nature or Kind soever, which was or is depending in the said Court, shall be deemed or held to be discontinued or abated; but on the contrary, the Justices of the said Court shall proceed, and have Jurisdiction, to try and determine the same, at the said Town of Wilmington.

III. And be it further Enacted, by the Authority aforesaid, That the Burgess elected by the Inhabitants of the said Town, by Virtue of the said Act, shall be deemed to be duly Elected, and qualified to sit and vote in the General Assembly of this Province, so long as this present General Assembly shall continue.

IV. And be it further Enacted, by the authority aforesaid, That the Court of New Hanover County, and the Election of the Representatives for the said County, to sit and vote in the General Assembly, and the Election of Vestrymen for the Parish of St. James, in the said County, and all other Public Elections for the said County of New Hanover, for the said Parish called St. James Parish, and for the said Town of Wilmington, and every of them, of what nature or kind soever, shall be held and made in the said Town of Wilmington, and at no other place whatsoever.

V. And be it further Enacted by the Authority aforesaid, That each and every Clause of an Act intituled An Act for Regulating Vestries in this Government, and for the better inspecting the Vestrymen and Church wardens' accounts of each and every Parish in this Government, passed in the Year One Thousand Seven Hundred and Twenty Nine, or any other Act or Clause of an Act of this Province whatsoever, which directs the Courts and Elections of the said County, and the Church, Court-house and Gaol of the said County

of New Hanover, and St. James's Parish, to be held and built at a Place called Brunswick, be and is hereby repealed.

VI. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town of Wilmington, and the County adjacent, qualified, according to the Directions of this Act, shall, forever, have the Privilege of sending a Burgess to the General Assembly of this Province, therein to consult and vote, in as ample Manner as any Representative of any County or Town of this Province.

VII. And for ascertaining the Method of chusing the Burgesses or Representatives of the said Town, Be it Enacted, by the Authority aforesaid, That every Man who shall be a Tenant of a Brick, Stone, or framed habitable House, of the Length of Twenty Feet, and Sixteen Feet Broad, within the Bounds of the said Town, who, on the Day of the Election, inhabits, and for Three months next before, inhabited such House, shall have a vote in Electing the Representative of the said Town, to be sent to the General Assembly; and in Case there shall be no Tenant of such House qualified to vote as aforesaid, that then, and in that Case, the Person truly and *bona fide* seized of such House, in his own right, either in Fee Simple, Fee Tail, or for Term of Life, shall be intitled to a Vote for the said Representative.

VIII. And be it further Enacted, by the Authority aforesaid, That every man who, on the Day of Election, and for Three Months next before, shall be an Inhabitant of a Brick House, of the Length of Thirty Feet, and Sixteen Feet Broad, between the Bounds of the said Town, upwards, and Smith Creek, and within One Hundred and Twenty Poles to Cape Fear River, shall be intitled to have a vote in the Election of the Representative of the said Town of Wilmington (unless such Inhabitant be a Servant), and shall enjoy all the Rights and Privileges, and Immunities, that any Inhabitant within the said Town shall be intitled to, by Virtue of this Act.

IX. And be it further Enacted, by the Authority aforesaid, that no Person shall be deemed qualified to be a Representative of the said Town, to sit and vote in the General Assembly, unless on the Day of Election, he be, and for Three Months next before, was truly and *bona fide* seized, in his own Right, in Fee-Simple, or for Term of Life, of a Brick, Stone or framed habitable House, within the Bounds of the said Town, with one or more Brick Chimney or Chimneys, or of a Brick House, of the Length of Thirty Feet, and Sixteen Feet broad, between the Bounds of the said Town, upwards, and Smith Creek, and within One Hundred and Twenty Poles of Cape Fear River.

X. And whereas the Town of Wilmington, by Reason of its Situation and Navigation, is the most central and convenient Place within the District of Port Brunswick, both for Exportation and Importation of Goods.

XI. Be it therefore Enacted by the Authority aforesaid, That the Collector of his Majesty's Customs, and the Naval Officer of Port Brunswick, shall always keep and execute their Respective Offices in the said Town of Wilmington, until his Majesty shall be pleased to give his Directions to the contrary; and likewise, that the Clerk of the County Court of New Hanover, and the Register of the Conveyances of the said County, shall, forever, hold and execute their respective Offices in the said Town of Wilmington: And that if any of the said Officers neglect or refuse to do, each of them so neglecting or refusing shall, for every Week he shall be Delinquent, forfeit and pay the Sum of Thirty Shillings, Proclamation Money; to be recovered by any Person who shall sue for the same, in the County Court of New Hanover, by Action of Debt, Bill, Complaint or Information, One Half to such Prosecutor, and the other Half for the Commissioners, who

are or shall be appointed for regulating the said Town; to be applied for the benefit of the said Town.

XII. And be it further Enacted, by the Authority aforesaid, That the Church of the Parish of St. James, in New Hanover County, shall be built in the said Town of Wilmington; and all Sums of Money already raised, or which shall be hereafter raised, by Levies, on the Inhabitants of the said Parish, for building a Parish Church, shall be employed to build a Parish Church in the said Town.

XIII. And for the better regulating the said Town of Wilmington, Be it further Enacted, by the Authority aforesaid, That until Commissioners shall be elected and appointed, as herein after directed, Robert Halton, James Murray, Samuel Woodard, Richard Eagles, John Porter, William Faris, and Robert Walker, Esqrs., are hereby established, appointed, and continued Commissioners for the said Town; and the said Commissioners, or a Majority of them, shall have and be invested with all the Powers and Authorities within the Bounds of the said Town of Wilmington (except as to the selling any Lot or Lots in the said Town), in as full and ample Manner as the Commissioners for the Town of Edenton have and possess, by Virtue of any Law heretofore passed.

XIV. And be it further Enacted, by the authority aforesaid, That the Inhabitants of the said Town, and Parts adjacent, qualified to vote for the Representative of the said Town, shall, on the First Tuesday in April next, after the passing of this Act, and on the said Day in each and every Year after, assemble in the Court-house in the said Town, and shall then and there, in the Presence of any Person that they the Inhabitants and Electors, or the Majority of them, shall appoint to take the Poll, elect Five Men, out of which Number the Governor or Commander in Chief for the Time being is hereby impowered to appoint Three Commissioners; and the said Three Commissioners so elected and appointed, or the Majority of them, shall be invested with the same Powers and Authorities of the Seven Commissioners before nominated.

XV. Provided always, That nothing in this Act, or any other Act, shall be taken or construed, to be a Power given to the said Commissioners, to grant, sell, or dispose of Lots, or any Parcel of Land, within the Bounds of the said Town of Wilmington.

XVI. And be it further Enacted, by the Authority aforesaid, That the Two Taxes of Five Shillings, Current Bills, per Poll, which were laid on the Inhabitants of the said County of New Hanover, by the Justices of the said County, at the Court held at Brunswick, on the Eleventh Day of December last, to be levied by the Sheriff between the First Day of January, and the First Day of March, in the Years One Thousand Seven Hundred and Thirty Nine, and One Thousand Seven Hundred and Forty, Five Shillings per Poll, in each Year, in Order to build a Court-house and Gaol for the said County, at Brunswick, shall be, and are hereby appropriated for building a Gaol in the said Town of Wilmington, and towards finishing the Court-house already begun in the said Town, and that the Orders which the Justices of the said County have made, and shall make, for the compleat levying the said Taxes, for the Payment and Application of the same, according to the Intent and Meaning of this Act, shall be binding on all and every Person and Persons concerned.

XVII. And be it further Enacted, That the Bounds of the Town of Wilmington shall be, and are circumscribed in Manner following; that is to say, To the Northward, by the Lands of his Excellency the Governor, upwards, and below to the Southward, by the Lands of Michael Dyer, to the

westward by the Northwest Branch of Cape Fear River, and to the Eastward, by a Line drawn between the said Lands of the Governor, and Michael Dyer, One Hundred and Twenty Poles distant from the River.

CHAPTER V.

An Act to establish and confirm John Hodgson, Esq., Treasurer of the Counties hereinafter mentioned. Obs.

(Omitted.)

CHAPTER VI.

An Act to appoint able and skilful Clerks for the several County Courts within this Province, and for the better securing and safekeeping the Records of the same.

(Omitted.)

CHAPTER VII.

An Act for the more effectual establishing a Ferry from Bath Town to Core Point, and from Core Point to Bath Town, and for preventing any other Ferry within Ten Miles of the said Town of Bath, or Core Point, on the same Sides of the River.

I. Whereas the Ferry from Bath Town to Core Point, and from Core Point to Bath Town, hath been, to the great damage of the inhabitants of Bath Town, removed from the said Places; And whereas the Penalties mentioned in the Act of Assembly, intituled An Act concerning the Roads and Ferries, are found insufficient to deter Evil disposed Persons from ferrying over within the Distance prescribed by the said Act: Wherefore, for the further Encouragement of the said Town of Bath, and to prevent the removing the Ferry from the said Town of Bath and Core Point.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, By and with the Advice and Consent of his Majesty's Council and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices for the County of Beaufort, shall at their next Court to be held for the said County, after the Ratification of this Act, nominate and appoint some good and able Person Inhabitant of the said Town, to keep the Ferry from Bath Town to Core Point, and also, some other Able Person to keep the Ferry from Core Point, on the South side of Pamptico River, to Bath Town: Which said Persons so appointed, respectively, shall enter into Bond, to the Justices of the said Court, to keep a good and sufficient Boat and Attendance, in Order to Transport Passengers and Horses over the said River, with such Regulations as by the said Court shall be judged convenient.

III. And for the more effectual deterring any Person from ferrying Passengers over the said River, within Ten Miles of the aforesaid Places, on each side of the said River, It is hereby further Enacted, by the Authority aforesaid, That any Person or Persons, ferrying over any Person or Persons, Horse or Horses, within Ten Miles of the said Places, on each side the River, for which he or they shall receive a Reward, under any Denomination

whatsoever, he, she, or they, so offending, shall, for each offence, forfeit and pay the Sum of Five Pounds Proclamation Money; One Half to the Use of the Parish, and the other Half to the Person who shall sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Province, wherein no Essoign, Protection, Injunction, or Wager of Law shall be allowed or admitted of.

IV. Provided always, That this Act, nor any Clause or Article herein contained, shall be in Force, so as any Person shall incur, any Penalty by the same, until a Road shall be cleared and made passable, according to Law, from Core Point into the main Road leading by Rigney's Quarter, to New River, at the Expence of the Person who shall be appointed to keep Ferry at Core Point, which said Road, when so made, shall afterwards be maintained and repaired by the Public; and until a convenient House is built, fit to entertain Travellers, and sufficient Boats and Canoes built and provided for transporting men and Horses over the said River, to be approved of and allowed by the Justices of the County Court of Beaufort.

CHAPTER VIII.

An Act to enable the Parish of St. Andrew's, in Tyrrell County, and the South-west Parish of Pasquotank County, to Elect Vestries. Obs.

(Omitted.)

CHAPTER IX.

An Act to exempt the Inhabitants of Bath Town from working on the Public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order.

(Printed in Private Acts, *post.*)

CHAPTER X.

An Act to Enable the Justices of Tyrrell County to build a Warehouse on Scupernongs, for receiving of his Majesty's Quit-Rents.

I. Whereas a Warehouse, for the Receipt of his Majesty's Quit-Rents, was, by an Act of Assembly, intituled, An Act for providing his majesty a Rent-Roll, for securing his Majesty's Quit-Rents, for the Remission of Ar-rears of Quit-Rents, and for quieting the Inhabitants in their Possessions; and for the better settlement of his Majesty's Province of North Carolina, directed to be built at Joseph Spruel's Landing, on Scupernongs River, in Tyrrell County, for Receipt of his Majesty's Quit-Rents, payable in the said County; to which Place no Pettiagua or other Vessel capable of carrying any Commodities can go, which renders the said Place very inconvenient for the Receipt of the Quit-Rents: And Whereas the Place called Samuel Spruel's Landing, on Scupernongs, in the said County, is a Place to which any Sloop can go, and is likewise a Convenient Place for the Inhabitants of the said County to pay their Quit-Rents at.

II. We pray that it may be Enacted, and be it Enacted, by his Excellency, Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his

Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices of Tyrrell County, instead of building a Warehouse at Joseph Spruel's Landing, shall cause the Warehouse by the aforesaid Act directed to be built at Joseph Spruel's Landing for receipt of his Majesty's Quit-Rents, to be built at Samuel Spruel's Landing, aforesaid, on Seupernongs, in the said County of Tyrrell: And the Justices of the said County are hereby directed to cause the said Warehouse to be built at the said Place, and to lay a levy, and to apply the same towards the building the said Warehouse, and to purchase Land to build the same on, agreeable to the Power to them given by the aforesaid Act of Assembly.

CHAPTER XI.

An Act to enable the Commissioners hereinafter named to build a Bridge over Levenston's Creek, between New Hanover and Bladen Counties.

(Omitted.)

CHAPTER XII.

An Act for the better regulating the Militia of this Government.

(Omitted.)

CHAPTER XIII.

An Act for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops enlisted in his Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.

I. Whereas his Majesty hath been pleased to send Instructions to the Governor of this Colony, to enlist Men in his Majesty's Service, and afterwards to transport them at the expence of this Colony to the West Indies, there to join other Troops of his Majesty, sent thither upon an Expedition intended against the Spaniards; and this Assembly being desirous of shewing their Loyalty and duty, and taking into Consideration the most effectual Ways and Means to raise Money to defray the Expences of transporting the said Troops enlisted here to the West Indies, finding that the Poverty of the People of this Province renders it impracticable to collect a Levy in Money, humbly represent unto your Majesty, that laying a Levy to be paid in the Commodities of the Country will be the only effectual Expedient for raising a Fund to answer the present Service: Wherefore,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency, Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That Three Shillings Proclamation Money, for One Year next after the Ratification of this Act, be paid for every Tithable in this Province; Which Levy shall be paid in the Commodities hereafter mentioned, at the Rates following; that is to say, Tobacco, per Hundred, Ten Shillings; Rice, per Hundred, Seven Shillings and Six Pence; for that part of the Province only heretofore known by the

Name of Bath County, Indian drest Deer skins, not weighing less than One Pound each Skin, two Shillings and Six Pence the Pound; Bees Wax, at Ten Pence Half Penny per Pound; Tallow at Four Pence per Pound; Pork, in good, tight Barrels, dry salted, each Barrel containing Two Hundred and Twenty Weight, at One Pound Seven Shillings per Barrel; Beef in good, tight Barrels, dry salted, each Barrel containing Two Hundred and Twenty Pounds, at Seventeen Shillings and Six Pence per Barrel.

III. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of that Part of the Province heretofore called Albemarle County, shall pay the aforesaid Levy in the aforesaid Commodities, or by Bills of Credit, at the Rate of Seven Pounds Ten Shillings for every Twenty Shillings Proclamation Money, at one of the Warehouses in their respective Counties, appointed for the Receipt of his Majesty's Quit-Rents, to the Person or Persons appointed by Virtue of this Act, within the last Ten Days of the Month of November, and the last Ten Days of the Month of January, then next ensuing (Beef excepted, which shall be paid and received in Satisfaction of the aforesaid Levy within the last Ten Days of November only), for which the Inspector shall give a Receipt to the Person or Persons bringing the same.

IV. And be it further Enacted, by the Authority of the same, That each Person of the aforesaid Province, who shall neglect or refuse to pay the aforesaid Levy in Manner aforesaid, and shall be in Arrear on the First Day of February next after the last Day of Payment, such Defaulter shall be liable to Double Distress; to be levied upon his Goods and Chattels, together with Costs and Charges, by the Sheriff of the County within which such Delinquent inhabits.

V. And be it further Enacted, by the Authority aforesaid, That the Justices in each County in the aforesaid District, formerly called Bath County, shall, at the First County Court which shall be held in the several Counties within the aforesaid District, after the Ratification of this Act, lay a sufficient Levy upon the Inhabitants of their County, not exceeding One Shilling, Proclamation Money, per Tithable, for defraying the Charges of building or hiring a substantial Warehouse at the most convenient Landing, upon a Navigable River, with their County, and shall, with such Levy, on or before the Fifteenth Day of November next after the Ratification of this Act, build or hire a Substantial Warehouse for the safekeeping of the aforesaid Levy, and all other Levies now laid, or hereafter to be laid; And in Case the said Justices shall refuse or neglect so to do, each Justice so refusing or neglecting, shall forfeit and pay to his Majesty the Sum of Five Pounds, Proclamation Money, to be recovered in any Court of Record in this Province, to be applied in building a Warehouse in the said County.

VI. And be it Enacted, by the Authority aforesaid, That John Hodgson and John Montgomery, Esqrs.; Thomas Hunter, John Blount, William Farris and George Roberts, Gentlemen, be, and are hereby appointed Commissioners, and they, or the Majority of them, are hereby authorized to hire Vessels and buy Provisions, and all Things necessary for victualling and transporting Four Hundred Men to the West Indies, and to defray the Charge thereof, the said Commissioners, or the Majority of them, are hereby empowered to receive, of the Inspectors who shall be appointed to receive the aforesaid Levy, all the Money and Commodities they shall receive in Satisfaction thereof, and to sell and dispose of the Commodities as they shall think proper; and the said Commissioners shall account with the General Assembly of this Province for all the Money and Commodities they shall receive, and shall be allowed for their Trouble any reasonable Charges by

the General Assembly; and what Surplus shall remain, shall be applied by the General Assembly towards defraying the Contingent Charges of the Government: And each and every Inspector is hereby directed to keep Account of all Money and quantity of Commodities they shall receive, and of whom, in Satisfaction of the aforesaid Levy, and shall, on or before the First Day of March next after the Ratification of this Act, account with and pay to the Commissioners, all the Money and Commodities he or they shall receive, or give his or their Notes for, in Case the said Commissioners do require the same, and each Inspector who shall refuse or neglect so to do, within the aforesaid Time, shall forfeit and pay the Sum of One hundred Pounds, Proclamation Money, to the use of his Majesty; to be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, and to be applied by the Governor or Commander in Chief for the Time being, for repairing the Warehouse or Houses, and defraying other incident Charges, where such Delinquent shall be Inspector.

VII. And whereas the great Scarcity of Money renders it, at present, extremely difficult for the Inhabitants of this Province to pay the Public County and Parish Levies already imposed; and as the Paper Bills of Credit will be current only till November, One Thousand Seven Hundred and Forty Four, when they will expire, and it will therefore be impossible for the Inhabitants of this Province to pay any Levies or Taxes whatsoever, or any Fines and Forfeitures, unless the Commodities of the Country be accepted in Discharge thereof, according to the Usage and Custom of some of our neighboring Colonies.

VIII. We pray that it may be Enacted, and be it Enacted, by the Authority aforesaid, That all Public, County and Parish Levies already imposed, and which shall be due and payable after the Ratification of this Act, and which shall hereafter be laid and imposed on the Inhabitants of this Province, shall be paid in the Commodities as rated in this Act, in Manner following; that is to say, every Person paying any Commodities in Discharge of such Levies, shall carry the same to the Inspector of one of the Warehouses in the County where he resides, at the Times before mentioned for Payment of the Levy by this Act imposed, to be received and examined, as is by this Act expressed and directed.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person shall tender any of the Commodities herein mentioned in Discharge of the Levy by this Act laid, or any other Levies or Taxes, and a Dispute shall arise whether the same shall be good and merchantable, the Party tendering the same may apply to a Magistrate in the County, who is hereby impowered and directed to grant his Warrant, directed to any Constable or other lawful Officer, to summons Two skilful Freeholders, who upon their Oaths, shall view and examine the same; and if such Commodity so tendered be adjudged good and merchantable, then the Inspector shall receive the same, and in that Case, the Justice granting such Warrant, and the Officer executing it, shall not charge the Inspector, or any other Costs, and if paid in discharge of the Levy by this Act imposed, shall give a Receipt for the same; and if in Discharge of any other Public, County or Parish Levy, then the said Inspector shall give a Note for the same, in Manner as herein-after mentioned; But in Case such Commodity tendered be, by the said Freeholders, adjudged bad and not sound and merchantable, the person so tendering the same shall forfeit half the Value of such Commodity so tendered, as rated by this Act, provided the same had been good, together with Costs: to be paid to the Church Wardens of the Parish where such Commodity shall be tendered, to be applied to the use of the said Parish.

X. And be it further Enacted, by the Authority of the aforesaid, That every Inspector shall, and is hereby authorized, to open every Hogshead, Cask, or Barrel, and diligently view and examine the same, and every Commodity so delivered; and if such Inspector shall think such Commodity tendered to be paid, is good, sound, well conditioned, and merchantable, he shall weigh the same, with Weights of the lawful Standard, or proved Stilliards, for Eighteen Months only, after the Ratification of this Act, and shall keep an exact account of all such Commodities by him received; and when he shall receive any Hogshead, Cask or Barrel, wherein is contained Tobacco, Tallow, Rice, or Bees Wax, when the same shall be allowed good and merchantable, and weighed by him, he shall stamp every such Hogshead, Cask or Barrel, with the proper Mark of the Warehouse, or cause the same to be done, in the presence of the Person so paying the same; and shall also mark thereon, in like Manner, the Tare of the Hogshead or Cask, and the Nett Quantity therein contained.

XI. And be it further Enacted, by the Authority aforesaid, That if any Commodity shall be brought to any of the Warehouses for Discharge of any other Public, County or Parish Levies, than what is imposed by this Act, the said Inspectors, after they have viewed, examined and weighed the said Commodity, shall be obliged to deliver to the Person bringing the same, as many Promissory Notes, under their Hands, as shall be required, for the Quantity of Commodities by them received, in which shall be expressed the particular Commodity by them received; which said Notes shall be, and are hereby declared Current and payable, according to the Value of the Commodity expressed therein, and shall be transferable and deemed a Tender for Payment of all County and Parish Levies, and likewise all Debts and Dues, in Manner as in this Act is hereafter directed.

XII. And be it further Enacted, by the Authority aforesaid, That the Sheriff of every County shall attend at the respective Warehouses in his County, at the Times the Inspector shall attend, and receive all Public, County and Parish Levies (except the Levy which is hereby imposed, which shall be paid to the Inspectors only, and they Accountable to the Commissioners), which shall then be paid them in Inspectors' Notes, current Bills, or Proclamation Money, by the Persons owing the same, and if any Person, chargable with Dues or Levies aforesaid, shall neglect or refuse to pay the same, on or before the last Day of January, Yearly, it shall and may be lawful for the Sheriff or other Collector, after the Tenth Day of February, Yearly, to distrain the Goods, and Chattels of the Person or Persons so neglecting or refusing, and to sell and dispose thereof at Public Vandue, for the Money, Tobacco, drest Deer Skins, Tallow, or Bees Wax, or any of them, after having given Notice Ten Days before such Sale, and the Overplus, if any, after paying the said Levies and Dues, and the Charges of Distress (which is hereby declared to be the same as for serving an Execution), shall be returned to the Debtor.

XIII. And be it further Enacted, by the Authority aforesaid, That the Sheriffs or other Collectors of the said Levies, shall, in one Month after the Collecting and receiving such Levies and Taxes, pay the Inspectors' Notes they shall have received in Satisfaction thereof, after deducting Three per Cent. for collecting, to the Persons appointed to receive the same, to-wit, the Notes received for the County and Parish Taxes, to the Persons appointed and impowered in the several Counties and Parishes to receive the same, who shall transfer the said Notes to any Person having any Demand in the Parish or County, and the Inspectors' Notes recived for Discharge of the Public Taxes, shall be paid in Manner following; that is to say, the Sheriff

of Craven, Carteret, Onslow, New Hanover, and Bladen Counties, shall pay all the Inspectors' Notes by them received, and account with Edward Moseley, Esq., Public Treasurer for the said Counties: And the Sheriff of Chowan, Perquimons, Pasquotank, Currituck, Bertie, Edgcomb, Tyrell, Beaufort, and Hyde Counties, shall pay all the Inspectors' Notes by them or any of them received, in Discharge of such Levies, and account with John Hodgson, Esq., Public Treasurer for such Counties: Which said Treasurers are hereby impowered and directed, to transfer such Notes to any Person who has any Claim or Demand on the Public for any Money payable out of such Taxes or Levies.

XIV. And whereas a Public Tax, for supporting the Contingent Charges of this Government, is laid, at Five Shillings per Poll, current Bill Money of this Province; to prevent Confusion in the Receipt of the same, by Virtue of this Act.

XV. Be it Enacted, by the Authority aforesaid, That Eight Pence, Proclamation Money, shall be deemed equal to the said Five Shillings, and to be paid in Commodities, according to the Intent of this Act; and all Parish and County Taxes, and all other Taxes, laid in Bills, shall be paid and discharged in Commodities, as herein rated in Proclamation Money, Regard being had to the Difference of Proclamation Money and Bills, in Value.

XVI. And be it further Enacted, by the Authority aforesaid, That for every Hogshead of Tobacco brought to any Warehouse in good Cask, of the Dimensions of Forty eight Inches in Length, and Thirty Two Inches in Width, at the Heads, and containing, at least, Seven Hundred Weight of Tobacco, there shall be allowed by the Inspector to the Person bringing the same, Thirty Pounds of Tobacco for the Cask; and also, there shall be allowed to the Inspector, by the Person taking the same away, Two Pounds of Tobacco for every Hundred so paid away, and so in proportion for a Greater or lesser Quantity, for Shrinkage and wasting of the said Tobacco, to be paid at any Time within Two Months after the Date of the Note given for the same, and One Pound per Hundred for every Month after the same shall be unpaid after the said Two Months, and no more, so as the whole doth not exceed Six Pounds for every Hundred.

XVII. And for the better enabling the Inspectors to deliver out Promissory Notes, and to take care of the Commodities to be brought to the Warehouse, Be it further Enacted, by the Authority aforesaid, That the Inspectors shall be allowed all reasonable Charges for providing printed Notes, and also for finding Cask, Nails, and other Materials, for packing, prizing, and for preserving such of the Commodities as require it; to be paid them as hereafter mentioned.

XVIII. And be it further Enacted, by the Authority aforesaid, That if any Inspector shall neglect or refuse to deliver, to any Person requiring the same, any of the Commodities for which he hath given his Note, he shall forfeit and pay, for every such Offence, to the Party grieved, double the Value of the commodities demanded by such Note or Notes; to be recovered by a Warrant from two Justices of the Peace of the said County where such Person is Inspector, who are hereby authorized to hear and determine the same, and cause Execution to be made.

XIX. Provided always, That such Person or Persons who is or are possessed of any Notes or who shall have any Demands on the Public, to be paid by the said Notes, shall take away all and singular the Goods specified in any Note or Notes, on or before the First Day of April, in every Year; or if such Goods remain in the Warehouse after that Time, it shall be at the risque of the Person or Persons intituled to the same, by Virtue of such

Notes, or who have any Demands on the Public, payable out of such Taxes.

XX. Provided also, That the Public Treasurers may, at any Time before, dispose of any of the Commodities paid in as aforesaid, for the Public Tax, for Money, at the Rates herein before mentioned, and all Commodities remaining in any of the aforesaid Warehouses after the First Day of April, any after paying all Charges and Demands on the Public, payable out of the said Tax, the said Treasurers may dispose of the same, at Vandue, to the highest bidder, first giving Ten Days' Notice of such Sale.

XXI. And be it further Enacted, by the Authority aforesaid, That the Justices of each County, at the Court to be holden for each County next after the Ratification of this Act, shall appoint one Inspector for each Warehouse in each County; which Inspector shall receive all Commodities tendered to him in Discharge of the Tax or Levy imposed by this Act, and account with the Commissioners and Treasurers herein before named for the same, and shall always receive the Commodities paid in Discharge of the other Levies and Taxes, according to the true Intent and Meaning of this Act, and shall agree with such Inspector for their Salary, and if the Justices refuse or neglect so to do, each Justice so neglecting or refusing, shall forfeit and pay to his Majesty Five Pounds, Proclamation Money, to be applied by the Governor or Commander in Chief, towards payment of the Salary of the Inspector of that County, which shall be afterwards appointed by the Governor, to be recovered by any Person who shall sue for the same, in any Court of Record in this Province, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Protection or Wager of Law shall be allowed.

XXII. And be it further Enacted, by the Authority aforesaid, That the Justices of each County, at the Court next after the Ratification of this Act, and so Yearly, shall have Power to employ Persons to build Warehouses, or to make Additions or Repairs to those already built, and shall provide Weights, Scales, and other Necessaries, and pay Inspectors; and to defray the Expences thereof, shall and may lay a Levy, Yearly, on every tithable Person, not exceeding One Shilling, Proclamation Money, per Tithable, to be paid and collected by the Sheriff, in Manner as all other Levies are, excepting the Levy laid by this Act, for which the Sheriff shall be allowed only Three per cent. for collecting: And the said Justices are hereby impowered to turn out any Inspector or Inspectors, on Complaint and Proof of Misbehaviour in his or their Offices, and to appoint others in his or their Room.

XXIII. And be it further Enacted, by the Authority aforesaid, That every Person who shall be appointed Inspector, shall, before he enters upon the Execution of his Office, take the following Oath, Viz., That he will carefully view and examine all Commodities brought to the Warehouse whereof he is Inspector and to the best of his Skill and Judgment, not receive any Commodity in this Act mentioned, that is not sound, well conditioned, and, in his judgment, merchantable, and faithfully discharge the Duty of his Office, without Favour or Affection; and shall also enter into Bond, with good Securities, in the Penalty of Five Hundred Pounds, Proclamation Money, payable to his Majesty, with Condition, for the true and faithful Performance of his said Office and Trust; and shall constantly attend at the Warehouse under his Charge, at the Times in this Act mentioned.

XXIV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall forge or counterfeit any Inspector's Note, or tender in Payment any such forged or counterfeit Note, or demand any Commodity of any Inspector upon any such forged or counterfeit Note, know-

ing the same to be so, he shall be fined Fifty Pounds, Proclamation Money, stand One Hour in the Pillory, with his ears nailed thereto, and Cut off.

XXV. And be it further Enacted, by the Authority aforesaid, That if any Warehouse, or any House wherein any Commodities are lodged, payable by this Act, shall accidentally be burned, the loss sustained thereby shall be made good and repaired by the General Assembly, at the next Sessions after such Loss, at the Charge of the Public.

XXVI. And to enable the Inhabitants of this Province to pay Fines and Forfeitures, and to relieve Debtors, as to the Imprisonment of their Persons, Be it enacted, by the Authority aforesaid, That every Person who shall be liable to pay fine and Forfeiture, or Debts, due by Judgment, or against whom Execution shall issue, for any Debt or Debts hereafter to be contracted, only shall and may carry any of the Commodities in this Act mentioned to a Public Warehouse, in the County where such Debtor has contracted such Debt, which shall, by Virtue of this Act, be built or hired, and the Inspector shall inspect the same, in the Manner by this Act directed, and if good, shall deposit the same in the Warehouse, and shall give such Person a transferable Note, in the Manner directed to be given by this Act, on the Receipt of Commodities for Public Levies; which Notes the Persons intituled to have and receive such Fines and Forfeitures, or Persons to whom Moneys are due, on such Judgments, or from Persons being in Execution, as aforesaid, shall accept, at the Rate the Commodities mentioned in such Notes are Valued at by this Act; and such Notes tendered shall be deemed a sufficient payment of such Fine and Forfeiture, Judgment and Execution, as aforesaid as if made in Proclamation Money, Regard being had to the Exchange between Proclamation Money and the Money to be paid by such Person who tenders such Note; provided such Note be tendered within the Time such Commodities are by this Act to remain in the Public Warehouses.

XXVII. Provided always, That nothing in this Act shall extend to entitle Officers to take higher Fees than heretofore, but the same shall be taken at the Rate of Four for One, in Bills, from the Table of Fees, when paid in Bills, or may be paid in Commodities by Inspectors' Notes, as rated in this Act, in Bills, as Four bares in Proportion to Seven and a Half, until the same shall be further regulated by an Act of Assembly.

XXVIII. Provided also That nothing in this Act shall extend to effect the Loan Money; but the same shall remain as before the passing of this Act.

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

William Smith, President.

JOHN HODGSON, Speaker.

LAWS OF NORTH CAROLINA, 1741.

At a General Assembly, held at Edenton, the Fourth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty One. *Gabriel Johnston*, Governor.

CHAPTER I.

An Act Concerning Marriages.

I. For preventing clandestine and Unlawful Marriages, We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province and it is hereby Enacted by the Authority of the same, That every Clergyman of the Church of England, or for want of such, any lawful Magistrate, within this Government, shall, and they are hereby directed, to join together in the Holy Estate of Matrimony, such Persons who may lawfully enter into such a Relation, and have complied with the Directions hereinafter contained.

II. And be it further Enacted by the Authority aforesaid, That no Justice of the Peace of any County in this Government, shall join together in Marriage, any Persons whosoever in any Parish where a Minister shall reside, and have a Cure, without Permission first had and obtained from such Minister, under the Penalty of Five Pounds Proclamation Money, to the Use of the Minister.

III. And be it further Enacted, by the Authority aforesaid, That no Minister or Ministers, Justice or Justices of the Peace, within any of the Parishes of this Government, shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without License first had and obtained for that Purpose, according to the Directions of this Act, or Thrice Publication of the Banns, as prescribed by the Rubrick in the Book of Common-Prayer: And if any Minister or Ministers, Justice or Justices of the Peace, shall, contrary to the true Intent and Meaning of this Act, celebrate the Rites of Matrimony between any Persons, or otherwise join them in Marriage, he or they so offending shall forfeit and pay the Sum of Fifty Pounds Proclamation Money; to be recovered and applied as herein after is directed: And if any Minister shall go out of this Government, and there, contrary to the true Intent and Meaning of this Act, join together in Matrimony any Person or Persons belonging to this Government, without such Licence, or Publication of Banns, as is herein prescribed, every Minister so offending, shall incur the same Penalties and Forfeitures, as if the same had been done in this Government.

IV. Provided always, and be it further Enacted, by the Authority aforesaid, That where any Parish or Parishes have not a Minister, it shall and may be lawful for the Clerk or Reader which shall be appointed by the Vestry of the said Parish, to publish the Banns between any Persons desiring the same, and if no objection be made, to grant a Certificate thereof; and such Certificate shall be sufficient for any Minister or Justice of the Peace, to solemnize the Rites of Matrimony between the Parties so Published.

V. And be it further Enacted, by the Authority aforesaid, That if any

Minister, Clerk, or Reader, shall grant a false Certificate, he or they so offending, shall be liable to such Punishment as in Case of Forgery at Common Law; and all such offences shall be prosecuted, tryed and determined, in the General Court of this Province.

VI. And be it further Enacted, by the Authority aforesaid, That all Licences for marriages shall be issued by the Clerk of the Court of that County where the Feme shall have her usual Residence, and by his only, and in such Manner, and under such Rules and Directions, as are herein after provided; that is to say, He shall take Bond, to our Sovereign Lord the King, his Heirs and Successors, with good Securities, in the Penalty of Fifty Pounds, Proclamation Money, under Condition, That there is no lawful Cause to obstruct the Marriage for which the Licence shall be desired; And if either of the Persons intended to be married shall be under the Age of Twenty One Years, and not theretofore married, the Consent of the Parent or Guardian shall be personally given before the said Clerk, or signified under the Hand and Seal of the said Parent or Guardian, and attested by Two Witnesses; all which being done, the Clerk shall write the License and shall certify specially the said Bond: And if the Persons in the Licence, or either of them, be under the age of Twenty One Years, he shall also certify the Consent of the Parent or Guardian of such Person so under Age, and the Manner thereof, to the first Justice of the Commission of the Peace for the County, or to such other Person as shall be thereto Commissioned by the Governor or Commander in Chief for the Time being; which premises being performed, the Justice of the Peace or other Person commissioned as aforesaid, is hereby authorized, impowered, and required, to sign and direct the said Licence; and a Licence so obtained and signed, and no other whatsoever, is declared to be a lawful Licence, according to the true Intent and Meaning of this Act, and if any County Court Clerk shall, in any Manner, issue any Licence or Marriage, or, Contrary to this Act make any Certificate of any Licence or Marriage, and if any Person whatsoever shall sign or direct a Licence in any other Manner than is by this Act permitted and allowed; all and every Person or Persons so offending, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied as herein after is directed.

VII. And be it further Enacted, by the Authority aforesaid, That if any Minister or Reader shall willingly publish, or cause or suffer to be published, the Banns of Matrimony between any Servants, or between a free Person and a Servant, or if any Minister or Justice of the Peace shall willingly celebrate the Rites of Matrimony between any such, without a Certificate from the Master or Mistress of every such Servant, that it is done by their Consent; he shall forfeit and pay Five Pounds, Proclamation Money, to the use of the Master or Owner of such Servant; to be recovered by Action of Debt, Bill, Complaint, or Information; And every Servant so Married without the Consent of his or her Master or Mistress, shall, for his or her said offence, serve his or her said Master or Mistress, their Executors, Administrators, or Assigns, One whole Year, after the Time of Service by Indenture or Custom is expired.

VIII. And be it further Enacted, by the Authority of the same, That the Clerk of each County, annually, at or before the Twenty Fifth Day of March, shall send or deliver to the Governor or Commander in Chief for the Time being, an exact account of the Marriage Licences issued by him; and each Clerk failing herein, shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to be levied and applied as herein after is directed.

IX. And be it further Enacted, by the Authority aforesaid, That the Fees upon the said Marriages, shall be as followeth, that is to say:

To the Governor or Commander in Chief for the Time being, for each Licence of Marriages, Twenty Shillings, Proclamation Money.

To the Clerk of the County Court, for issuing the same, and taking the Bond, Five Shillings of the like Money.

To the Minister, for Marrying, if by Licence, Ten Shillings, if by Banns, Five Shillings, of the like Money.

To the Justice of the Peace, for marrying, Five Shillings.

To the Minister or Reader, for publishing the Banns, and granting Certificate, One Shilling and Six Pence, of the same Money.

X. And be it further Enacted, by the Authority aforesaid, That if any Minister or Justice of the Peace, of any County or Parish where a Clergy doth not reside, shall refuse to celebrate the Rites of Matrimony, for the Fees herein set down and allowed, or shall demand or receive, for marrying, either by themselves, or by any other Person for them, any larger Fees than before mentioned to be allowed by the Minister or Justice of the Peace, he shall forfeit and pay, for every such offence, that is to say, if the Marriage was to have been by Licence, Ten Pounds, or if by Banns, Five Pounds, Proclamation Money; One Moiety of all the Fines and Forfeitures in this Act before mentioned and not particularly appropriated, to be paid to the Church wardens of the Parish for the Time being, for the Use of the Parish where the Offence shall be committed, the other Moiety by him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information.

XI. And be it further Enacted, by the Authority aforesaid, That if the Minister or Reader of any Parish within this Government, shall refuse to publish and certify the Banns, for the Fees herein set down, and allow him for the same, he shall, for every such Offence, forfeit and pay to the Party grieved, Ten Pounds, Proclamation Money; to be recovered as before mentioned.

XII. Provided always, That the Minister serving the Cure of any Parish, shall have the benefit of the Fee for Marriages in the said Parish, if he do not neglect or refuse to do the Service thereof, altho' any other Person performed the Marriage Ceremony.

XIII. And for Prevention of that abominable Mixture and spurious issue, which hereafter may increase in this Government, by white Men and women intermarrying with Indians, Negroes, Mustees, or Mulattoes, Be it Enacted, by the Authority aforesaid, That if any white Man or Woman, being free, shall intermarry with an Indian, Negro, Mustee, or Mulatto Man or Woman, or any Person of Mixed Blood, to the Third Generation, bond or free, he shall, by Judgment of the County Court, forfeit and pay the Sum of Fifty Pounds, Proclamation Money, to the Use of the Parish.

XIV. And be it further Enacted, by the Authority aforesaid, That no Minister of the Church of England, or other Minister, or Justice of the Peace, or other Person whatsoever within this Government, shall hereafter presume to marry a white Man with an Indian, Negro, Mustee, or Mulatto Woman, or any Person of Mixed Blood, as aforesaid, knowing them to be so, upon Pain of Forfeiture and paying, for every such Offence, the Sum of Fifty Pounds, Proclamation Money, to be applied as aforesaid.

XV. And be it further Enacted, by the Authority aforesaid, That the several Fines and Forfeitures in this Act, which exceed the Sum of Twenty-Six Pounds Thirteen Shillings and Four Pence Proclamation Money, shall

be heard, tried, and determined, in the General Court of this Province; and all under the aforesaid Sum, shall be heard, tried, and determined, in the Court of the Colony where the Offence shall be committed.

XVI. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER II.

An Act to empower the several Commissioners herein named, to make, mend, and alter the several Highways, Roads and Bridges, and to clear and cleanse Creeks and Water-Courses; and also, to cut such Cuts as they shall think convenient, in the several Counties herein after named.
Exp.,

(Omitted.)

CHAPTER III.

An Act to give further Time for collecting the Aid granted to his Majesty, For Subsistence of the Forces raised in this Province; and for the better collecting Taxes and Levies, and to direct the Method of accounting for the same, and other Public Monies herein mentioned. Obs.

(Omitted.)

CHAPTER IV.

An Act to make and confirm that part of the main Road leading from Bennett's Creek Bridge, to Virginia, joining to Mr. Henry Baker's in Chowan County, altered for the Conveniency of the Public, by the adjacent inhabitants, to be the Main and Public Road.

I. Whereas that part of the main Road Joining to Henry Baker's, as formerly laid out and used, is very hilly, bad, troublesome, and inconvenient for Carts and Carriages, and the Inhabitants adjacent to, and obliged to work on that Part of the Road, have agreed together and altered and turned the said Road, and made it much shorter, better, and more convenient for Carriages and Passengers; and the said Inhabitants, by their Petition, having prayed that such Part of the Road so altered and made by them as aforesaid, may be confirmed and deemed the Public Road.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, that Part of the Public Road from Bennett's Creek, in Chowan County, leading by Henry Baker's, so altered and made as aforesaid, be confirmed and deemed Part of the Public Road, and no other; and that the Persons obliged to work on and maintain the old Road, be, and are

hereby compelled to work on and maintain the Road so altered; any Law, Custom, or Usage, to the contrary, notwithstanding.

CHAPTER V.

An Act to Appoint Constables.

I. To the End that Constables may be regularly appointed, throughout this Government.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, And it is hereby Enacted, by the Authority of the same, That the Courts of the several Counties which now are or hereafter shall be, within this Government, shall, at the Court to be holden for each respective County in this Government, next after the first Day of January, Yearly, and Every Year, nominate and appoint as many Persons of their said Counties as they shall Judge necessary, to be Constables within the same, for the then ensuing Year; which Constables so appointed, shall have the following Oath administered to them; that is to say: You shall swear, you will well and truly serve our Sovereign Lord the King, in the Office of a Constable; you shall see and cause his Majesty's Peace to be well and duly preserved and kept, according to your Power; you shall arrest all such Presons as in your Sight, shall ride or go armed offensively, or shall commit or make any Riot, Affray, or other Breach of his Majesty's Peace; you shall do your best Endeavour, upon Complaint to you made, to apprehend all Felons and Rioters, or Persons riotously assembled; and if any such Offenders shall make Resistance, with Force, you shall make Hue and Cry, and shall pursue them, according to Law you shall faithfully, and without Delay, execute and return all lawful Precepts to you directed; you shall well and duly, according to your Knowledge, Power and Ability, do and execute all other Things belonging to the Office of a Constable, so long as you shall continue in this Office, so help you God.

III. And be it further Enacted, by the Authority aforesaid, That each and every Constable, so appointed, nominated, and sworn, is, and they are hereby invested with, and may execute the same Power and Authority, to all Intents and Purposes, as the Constables within the Kingdom of England are by Law invested with and execute.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, nominated and appointed Constables by the Court of any of the Counties within this Government, shall neglect or refuse to qualify himself, according to the Directions of this Act, within Ten Days after Notice of his Nomination and Appointment as aforesaid, without he can shew sufficient Cause for his Neglect, to be admitted of by the Justices, who shall or may grant their Warrant to recover the Penalties in this Act mentioned, he shall forfeit the Sum of Fifty Shillings, Proclamation Money; to be recovered by Warrant from Two Justices of the Peace in the County where such Person was appointed Constable, and applied to the Use of the County where such Constable is appointed; provided such notice be in Writing, signed by the Clerk of the Court, and served by the Sheriff of the County, or preceding Constable, on such Constable or Constables as shall be appointed, according to the Direction of this Act.

V. Provided always, That no Person in Commission of any Office, Civil

or Military, or Member of Assembly, for the Time being, nor any one who has served in any such Station, nor any other who has served as Constable, within the Space of Five Years before, nor any Person who is exempt, by the Laws of England, shall be obliged to serve in the Office of Constable; any Law, Usage or Custom, to the contrary, notwithstanding.

VI. And be it further Enacted, That any one Justice of the Peace of the County, shall, and he is hereby impowered, to administer to the several Constables hereafter to be appointed in this County, the Oath directed by this Act for their Qualification.

VII. And be it further Enacted, by the Authority aforesaid, That upon the Death or Removal of any Constable out of the District for which he was appointed Constable, it shall and may be lawful for the Justices of the County Court, in which such District shall be, or any one of them, to appoint and swear another Person, to be Constable in the Room and Stead of the Constable dead or removing out of his District as aforesaid, who shall Act until the next County Court; the Justices of which Court shall then either continue the Person appointed as aforesaid, or nominate and appoint a new one.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Constable to whom any Precept is directed, by any Justice of the Peace, shall refuse or neglect, to serve such Precept, he shall, for every such Offence, on Complaint of the Party prosecuting, be fined, at the Discretion of the Court of which such Justice is a Member; to be paid to the Complainant.

IX. And for the better executing any Precept or Mandate, in extraordinary Cases; Be it Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for any Justice of the Peace within this Government, to direct any such Precept or Mandate, in the Absence of, or for want of a Constable, to any Person, not being a Party, who shall be obliged to execute, or endeavour, in the best Manner he can, to execute the same, under the like Penalty any Constable shall be liable to, by Virtue of this Act; to be recovered and applied as aforesaid.

X. And be it Enacted, by the Authority aforesaid, That every Constable within this Province, appointed and Qualified, as hereinbefore is directed, shall be, and is hereby exempt from all Provincial, County, and Parish Taxes, for himself only, and from working on the Roads, for and during the Year he shall be Constable; any Law, Usage, or Custom, to the contrary, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article of the same, heretofore made, so far as relates to the appointing of Constables, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER VI.

An Act to Improve and amend the Navigation of New River, in Onslow County. Obs.
(Omitted.)

CHAPTER VII.

An Act to Confirm and erect that part of Province of North Carolina called Edgecomb County, into a County, by the Name of Edgecomb County, and for the Establishing the said County a Parish; and for ascertaining the Boundary Line Between the Northwest and Society Parishes, in Bertie County.

I. Whereas the Inhabitants of Edgecomb County, in this Province, who are very numerous, labour under great Hardships, for want of Representatives in the General Assembly of this Province.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, And it is hereby Enacted, by the Authority of the same, That that part of Edgecomb County of this Province now called Edgecomb County, be, and is hereby established a County, by the name of Edgecomb County, the Bounds whereof shall be as follows Beginning on Roanoke River, at Jenkin Henry's Upper Corner Tree, from thence a straight Course, to the Mouth of Cheek's Mill Creek, on Tar River; and from the Southside of the said River, opposite to the said Cheek, a straight line unto the Middle grounds, between Tar and Neuse rivers; which shall be the dividing line between Beaufort and Edgecombe, and Craven Counties; and from thence up as nigh as may be, keeping the Middle between the said two Rivers, which shall be the dividing Line between the Counties of Craven and Edgecomb, and Beaufort; and the County Courts of Craven and Edgecomb are hereby impowered, each of them, for their respective Counties, to appoint Two Commissioners to run out the Bounds or dividing line between Craven and Edgecombe which Line so run out as above said, and marked, shall be the dividing Line between the said Counties.

III. And be it further Enacted, by the Authority aforesaid, That the Freeholders of the said County, qualified to vote, as the Law directs, shall, forever, after the Ratification of this Act, send Two Representatives to the General Assembly of this Province; which Representatives shall have as full Power to consult and vote in the General Assembly, as the Representatives of any other County.

IV. And be it further Enacted, by the Authority aforesaid, That the said County shall have Justices of the Peace, and a County Court, with the like Jurisdiction with the Courts of the other Counties of this Province; and likewise, a Sheriff, a Coroner or Coroners, and all other Officers incident to a County.

V. And whereas divers Disputes have arose, touching the Legality of the Courts heretofore established in the said County, and touching the Validity of the Commission appointing a Sheriff for the said County; which have disquieted the Minds of the Inhabitants of the said County.

VI. Be it therefore Enacted, by the Authority aforesaid, That all Judgments, Executions, Orders, and Proceedings of the said Court, pronounced, issued, and made, agreeable to the Rules of Law, and the Execution of all Writs whatsoever, done according to Law, and all other Acts done by the said Sheriff, by Virtue of his Office aforesaid, be, and are hereby confirmed and declared valid; any Defect in the Order of the Governor and Council, made for the Establishment of the aforesaid County, notwithstanding.

VII. And be it further Enacted, by the Authority aforesaid, That the Jus-

tices of the said County Court, be, and are hereby impowered, to lay a Poll-Tax, on the Inhabitants of the said County, not exceeding the Sum of Five Shillings, Proclamation Money, and to cause the same to be levied, in the Manner other Public Taxes are levied and collected, and with the said Tax, at some convenient Place in the said County, at their Discretion, to erect a Court House, Prison, and Stocks; and likewise, at all Times hereafter, as often as the said Court-house or Prison shall be out of Repair, to lay a Poll-Tax on the said Inhabitants, not exceeding such Sum of Money as shall be necessary, for repairing the said Buildings.

VIII. And be it further Enacted, by the Authority aforesaid, That the said County be, and is hereby established a Parish, by the Name of Edgecomb Parish; which Parish shall be distinct from the Parishes of which it was heretofore a Part; any Act of Assembly to the contrary, notwithstanding: And the Freeholders of the said Parish, duly qualified to vote, as in other Parishes, are hereby impowered to chose a Vestry, and the said Vestry to elect Church wardens; which Vestry shall have as full Power and Authority to lay Taxes, and to do all other Matters and Things to a Vestry belonging, as the Vestries of the other Parishes of this Province.

IX. And to the End, the First Vestry of the said Parish be duly Elected, Be it further Enacted, by the Authority aforesaid, That the Sheriff of the said County shall summon the Freeholders of the said Parish to meet, at such Place as shall hereafter be appointed for the Courthouse of the said County, who shall then and there Elect Twelve Vestrymen, and the said Vestrymen shall then and there Elect, out of their Number, Two Church-wardens; which Vestry and Church-wardens shall continue in Office until the Time by Law appointed for Election of new Vestries and Church-wardens, in the several Parishes in this Government; and the said Freeholders shall then, and for ever after, elect Vestries and Church-wardens, according to the Method by Law prescribed for the Choice of Vestries and Church Wardens for the several Parishes in this Province.

X. And for ascertaining the Bounds between the Northwest and Society Parishes, in Bertie County, Be it Enacted, by the Authority aforesaid, That the Boundary Line of the said Parishes shall run thus, to-wit: From the Mouth of Sandy Run, to the Head thereof; and from thence, in straight Line, to Ahoskey Swamp, and from thence, along the old dividing Line between the said Two Parishes; which Line shall, forever, be deemed the Boundary Line of the said Two Parishes; any Law to the Contrary, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That the Arrears now due from the Inhabitants of Edgecomb County, to Society and Northwest Parishes, of which it was a Part, shall be paid to the Church-wardens of the said Society and Northwest Parishes, as if this Act had not been.

CHAPTER VIII.

An Act to prevent stealing of Cattle and Hogs, and altering and defacing Marks and Brands, and mismarking and misbranding Horses, Cattle and Hogs, unmarked and unbranded.

I. Whereas many Wicked Men in this Province, being too lazy to get their Living by honest Labour, make it their Business to ride in the Woods and steal Cattle and Hogs, and alter and deface the Marks and Brands of others, and mismark and misbrand Horses, Cattle and Hogs, not marked or branded;

And whereas the Laws in Force in this Province are, by Experience, found not to be sufficient to remedy those Evils;

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is Enacted, by the Authority of the same, That if any free Person or Persons shall steal any Neat Cattle or Hog, or shall alter or deface the Mark or Brand of any other Person or Persons' Horse, Neat Cattle, or Hog, such Person or Persons, being thereof lawfully convicted, shall, for every Neat Cattle or Hog, he or they shall steal; or for every Horse, Mare, Colt, Neat Cattle, or Hog, whose Mark or Brand he or they shall alter or deface, over and above the Value of such Neat Cattle or Hog so stole, or for every Horse, Mare, Colt, Neat Cattle, or Hog, whose Mark or Brand he or they shall alter or deface, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record within this Province, (wherein no Essoign, Injunction, Protection or Wager of Law, shall be allowed or admitted of) by the owner of such Horse, Mare, Colt, Neat Cattle, or Hog that shall be stolen, or the Mark or Marks, Brand or Brands, so altered or defaced, provided he prosecute for the same within Six Months after the Discovery of the Fact committed; and after that Time, any Person may, as well as the owner, sue for and recover the same, provided such Prosecution is commenced within one Year after Discovery of the Fact committed; and the Offender shall, over and above the said Fine, receive Forty Lashes on his Bare Back, well laid on, and for the Second Offence, shall pay the Fine above mentioned, and stand in the Pillory Two Hours, and be branded in the left Hand, with a red hot iron, with the letter T: And if any Person or Persons shall mismark or misbrand any unbranded or unmarked Horse, Mare, Colt, Neat Cattle, or Hog, not properly his or their own, he or they shall forfeit and pay the Sum of Ten Pounds, Proclamation Money, over and above the value thereof, for every such Horse, Mare, Colt, Neat Cattle, or Hog, so mismarked or misbranded; to be recovered as aforesaid.

III. And to prevent the Concealing such Offences, Be it Enacted, by the Authority aforesaid, That if any Person or Persons shall see any other Person or Persons committing any of the Crimes aforesaid, and shall not discover the same, in Ten Days, to some Magistrate, then, and in such Case, such Person or Persons, for not discovering the said Crime, shall forfeit the Sum of Five Pounds, Proclamation Money, for every Time he shall forfeit the Sum of Five Pounds, Proclamation Money, for every Time he shall see the said Crime or Crimes, or any of them, committed; to be recovered, by any Person or Persons who will sue for the same, by Action of Debt, in any Court of Record in this Province: wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

IV. And because it is difficult to convict any Person who has seen such such Crimes committed, if he will deny the same; Be it further Enacted, by the Authority aforesaid, That it shall be sufficient Evidence to convict any Person who has seen any of the aforesaid Crimes committed, if it be proved that he has told any other Person that he did see the said Crimes, or any of them committed.

V. And whereas, by common Custom in this Province of killing of Cattle and Hogs in the Woods, great Opportunities are given to steal the Cattle and Hogs of other People; Be it therefore Enacted, by the Authority aforesaid, That if any Person hereafter shall kill any one or more Neat Cattle or Hogs in the Woods, he shall, within two Days, show the Head and Ears of

such Hog or Hogs, and the Hide, with the Ears on, of such Neat Beast or Cattle, to the next Magistrate, or to two substantial Freeholders, under Penalty of Five Pounds, Proclamation Money; to be recovered, by any Person who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed.

VI. And be it further Enacted, by the Authority aforesaid, That every Person in this Province, who hath any Horses, Cattle, or Hogs, shall have an Ear Mark and Brand, different from the Ear Mark and Brand of all other Persons, which Ear Mark and Brand he shall Record, with the Clerk of the County where his Horses, Cattle or Hogs are, if not already recorded; and that he shall brand all Horses with the said Brand, from Eighteen Months old, and upwards, and Ear Mark all his Hogs, from Six Months old, and upwards, with the said Ear Mark; and Ear Mark or Brand all his Cattle, from Twelve Months old, and upwards, with the said Ear Mark or Brand. And if any Dispute shall arise about any Ear Mark or Brand, the same shall be decided by the Book of the Clerk of the County Court where such Cattle, Horses, or Hogs are.

VII. And be it further Enacted, by the Authority aforesaid, That when any person shall buy any Neat Cattle from another, or come to the same by gift, will, or other lawful Means, that then, and in such Case, the Person who has gained the same by any of the Ways aforesaid, shall, within Eight Months, brand the aforesaid Neat Cattle with his own proper Brand, in the presence of Two creditable Witnesses, a Certificate of which shall be signed by the said Witnesses.

VIII. And be it further Enacted, by the Authority aforesaid, That this Act shall be Publicly read, by the Clerk of Every County Court in this Province, at least, Twice every Year, Viz, at the First Court after Easter and the First Court after August, in the Morning, on the Second Day of the Court, in open Court, under Penalty of Twenty Shillings, Proclamation Money; to be recovered, by any Person, by a Warrant, under the Hands and Seals of any Two Justices of the Peace of the County, to the Use of the Informer.

IX. And be it further Enacted, by the Authority aforesaid, That if any strange Cattle shall go into the Cowpen of any Person in this Province, the owner of that Cowpen, if he resides there, or the Overseer or Manager, where the Owner does not reside, shall be obliged to give Public Notice thereof, by affixing a note of Flesh Marks, and Ear Marks, and brand of all such strange Cattle as shall be at his Pen, at the Church doors of the Parish where the said Cowpen is, or where there is no Church, at the Court House Door, in one Month after such Cattle shall come to his Pen, under the Penalty of Twelve Shillings, Proclamation Money, for every Beast that he shall neglect to give such Notice of; to be recovered in the same Manner, and to the same Use, as the Fine last mentioned.

X. And be it further Enacted, by the Authority aforesaid, That if any Negroe, Indian or Mulatto Slave, shall kill any Horse, Cattle, or Hog, belonging to any Person whatsoever, without the Consent of the Owner or Owners thereof, or shall steal, misbrand, or mismark any Horse, Cattle, or Hog, such Slave or Slaves shall, for the First Offence, suffer both his Ears to be Cut off, and be publicly whipt, at the Discretion of the Justices and Freeholders before whom he shall be tried; and for the Second Offence, shall suffer Death: And the Tryal and Conviction of the said Slave or Slaves, shall be in such Manner as is prescribed by an Act of Assembly, intituled, An Act concerning Servants and Slaves.

XI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to the preventing the stealing Horses, Cattle, and Hogs, and altering and defacing the Marks and Brands, and mismarking and Misbranding the same, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER IX.

An Act for ascertaining the Boundary Line between Tyrrell and Beaufort Counties, and between Edgecomb County, and Tyrrell and Beaufort Counties.

I. Whereas Disputes daily arise, between the Inhabitants of Tyrrell, Beaufort, and Edgecomb Counties, by Reason the Boundary Line between Tyrrell and Beaufort Counties, and between Tyrrell and Edgecombe Counties, are not sufficiently ascertained and known; by Means of which Uncertainty, the Inhabitants within the Disputed Bounds refuse to pay the Public and Parish levies to any of the Collectors of the said Levies of either of the said Collectors: For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted by His Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That each of the County Courts of Tyrrell, Edgecomb and Beaufort shall appoint one person, who shall settle and run the Boundary Line between Tyrrell and Edgecomb Counties, and between Part of Edgecomb and Beaufort Counties, in manner following; that is to say, The said Commissioners shall begin at the upper Corner Tree of Jenkin Henry's Line, on the South Side of Roanoke River, and from thence, run a direct Line to the Mouth of Cheek's Mill Creek, on Tar River; and the said Commissioners, as soon as the said Line is finished, shall, under their Hands return the Courses thereof into each of the Courts of the aforesaid Counties, which shall be recorded by the Clerks of the said several Courts; And the said Line so run, shall, for ever after, be deemed the Boundary Line between Tyrrell and Edgecomb Counties, and between Edgecomb and Beaufort Counties, from Tyrrell County as far as Tar River.

III. And be it further Enacted, by the Authority aforesaid, That the Flat Swamp which, heretofore, was the Boundary of Albemarle and Bath Counties, shall, to the Head of the said Swamp, and from the Head thereof, by a direct Line between Tyrrell and Edgecomb Counties, forever, be the Boundary Line between Tyrrell and Beaufort Counties.

IV. And for defraying the Charge of running the said Line, Be it further Enacted, by the Authority aforesaid, That each of the County Courts of Beaufort, Tyrrell, and Edgecomb, be, and are hereby impowered, to lay a Poll-Tax not exceeding the Sum of Four Pence, Proclamation Money, per Tithable, upon the Inhabitants of their Respective Counties, and shall cause the same to be Levied in the same Manner the Public Taxes are levied; and shall, out of the Money arising by the said Tax, pay and satisfy their respective Commissioners, for their Trouble and Charges expended, in running the aforesaid Boundary Lines: And after paying and satisfying the Commissioners for their Trouble and Charges, each County Court shall apply the Money remaining, if any be, to the Use of the County where such Tax is collect'd.

CHAPTER X.

An Act to enlarge the Time for enrolling of Lands in the Auditor's Office, and proving the quiet possession of Lands for Twenty Years past, and upwards. Obs.

(Omitted.)

CHAPTER XI.

An Act for restraining the taking of excessive Usury.

I. Forasmuch as the settling of Interest at a reasonable Rate will greatly tend to the Advancement of Trade, and Improvement of Lands, by good Husbandry, with many other considerable Advantages to this Province; And whereas divers Persons of late have taken great and excessive Sums for the Loan of Money, Goods, and Merchandizes, to the great Discouragement of Industry, in the Husbandry, Trade, and Commerce of this Province:

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That no Person or Persons whatsoever, from and after the First Day of May, which shall be in the Year of our Lord One Thousand Seven Hundred and Forty One, upon any Contract, to be made after the said First Day of May, shall, directly or indirectly, take for Loan of any Monies, Wares, Merchandizes, or Commodities whatsoever, above the Value of Six Pounds, by Way of Discount or Interest, for the Forbearance of One Hundred Pounds, for One Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts and Assurances whatsoever, made after the Time aforesaid, for the Payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of Six Pounds in the Hundred, as aforesaid, shall be utterly void; And that all and every Person or Persons whatsoever, which, after the Time aforesaid, upon any Contract to be made, after the said First Day of May, shall take, accept and receive, by Way or Means, of any corrupt Bargain, Loan, Exchange, Shift, or Interest, of any Monies, Wares, Merchandizes, or other Thing or Things whatsoever, or by any Deceitful Way or Means, or by any Discount, Covin, Device, or Deceitful Conveyance, for the forbearing or giving Day of Payment, for One whole Year, of or for their Money or other Thing, above the Sum of Six Pounds, for the Forbearing of One Hundred Pounds for a Year, and so after that Rate for a Greater or lesser Sum, or for longer or shorter Time, shall forfeit and lose, for every such Offence, the double Value of the Monies, Wares, Merchandizes and other Things so lent, bargained, exchanged, or shifted; the One Moiety of all which Forfeitures, to be to our Sovereign Lord the King, his Heirs and Successors, for and towards the support of this Government, and the contingent Charges thereof, and the other Moiety to him or them that will sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province; wherein no Essoign, Protection or Wager of Law, shall be allowed or admitted of.

CHAPTER XII.

An Act for appointing and laying out a Town on, or near Mittam's Point, on the South Side of New River, in Onslow County, by the Name of Johnston.

I. Whereas the Inhabitants of Onslow County have petitioned for an Act for appointing a Town on Mittam's Point, on the South Side of New River, and that Commissioners may be Appointed to lay out the Lots in the said Town, and to dispose of them in Manner in the said Petition mentioned; and for laying a Levy for building a Court-house and Gaol for the said County.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Consent and Advice of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That as soon as the Proprietor of the Land on the said Point shall acknowledge his or her Consent and Concurrence, in open Court of the said County, to have such Part of the said Land laid out for a Town as hereinafter is directed, it shall and may be lawful for Samuel Johnston, John Starkey, Jonathan Freemain, Samuel James, and James Foil, Esqrs., who are hereby nominated and appointed Commissioners, with full Power and Authority, to lay out One Hundred Acres of Land at the said Mittam's Point, for a Town, by the name of Johnston, and they, or the major Part of them, are hereby directed and impowered, to lay out One hundred Acres, at and adjoining the said Point, into Lots, of Half an Acre each, with convenient Streets, and a Square for Public Buildings.

III. And be it further Enacted, by the Authority aforesaid, That when the Commissioners, or the Major Part of them, have laid out the said Town into Lots and Streets as aforesaid, every Person whatsoever, who is willing to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the Commissioners before appointed, or the Majority of them, are hereby impowered to grant, convey and acknowledge, to the Person or Persons so Taking up the same, and his Heirs and Assigns, forever, in Fee-Simple, upon the Payment of Ten Shillings, Proclamation Money, or the Value thereof in Currency, to the Treasurer hereinafter named.

IV. And be it further Enacted, by the Authority aforesaid, That James Foil, Esq., be, and is hereby appointed Treasurer and Receiver of all such Sum and Sums of Money, which shall arise by the Sale of the said Lots, for the Uses hereafter mentioned; and on the Death or Departure out of the Government of the said Treasurer, the said Commissioners, or the major Part of them, shall appoint some other Person Treasurer, in Place of the said Treasurer.

V. And be it further Enacted, by the Authority aforesaid, That the Treasurer herein appointed, and every Treasurer that shall or may be hereafter appointed by the Commissioners, as aforesaid, shall give Security to the County Court, that he shall and will account with, and pay in all the Monies he shall receive by the Sale of all and every Lot and Lots that shall be Sold, Yearly, on the Twenty Fifth Day of March, to Mr. Hope Dexter, or the Proprietor of the said Land.

VI. Provided always, That if any Lot or Lots shall be granted and Conveyed, by the said Commissioners, to any Person or Persons whatsoever, who shall not within two years, build a good substantial, habitable, framed House, not of less Dimensions than Twenty Four Feet in Length, and Sixteen Feet

wide, besides Sheds or Leantos, or make such Preparation for so doing, as the Commissioners, or the major Part of them, shall, on View, think reasonable, such Grant or Conveyance shall be void, and it is hereby declared void and of none Effect, as if the same had never been made; and the Commissioners may grant and convey such Lot or Lots which shall not be built on within the Time, and in the Manner as is hereinbefore directed, to any other Person or Persons applying for the same, and paying the Money for the said Lot, as in this Act is before directed, for the Use of the said Hope Dexter, or other Proprietors, as aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the major Part of them, shall be, and they are hereby impowered and authorized, to remove all nuisances within the Limits of the said Town.

VIII. And be it further Enacted, by the Authority aforesaid, That no Person, Inhabitant of the said Town, or holding a Lot or Lots therein, shall inclose the same, or keep the same inclosed, under a common Stake Fence; but every Lot therein shall be Paled in, or inclosed with Posts and Rails set up.

IX. And be it further Enacted, by the Authority aforesaid, That all Persons, Possessors or Owners of Lots in the said Town, shall, within Two Years from the Date of their Grant or Conveyance, clear and keep constantly clear, their Lot or Lots, from all Manner of Wood, Underwood, Brush and Grubs, under the Penalty of One Shilling, Proclamation Money, for every Month such Owner or Owners of any Lot or Lots shall neglect to clear, or keep the same clear, to be recovered by a Warrant from any Justice of the Peace, and applied by the said Commissioners for and towards clearing the Streets in the said Town.

X. And be it further Enacted, by the Authority aforesaid, That for the Encouragement of the said Town, after there shall be Two good Public Houses, fit for the accommodation of Travellers, and good Boats provided, viz, one on each side of the said River, for transporting of Travellers, and their Horses, the said Houses and Boats to be approved of by the Justices of the Court of the said County, when the greater Number of the Justices are in Court, that then the Court of the said County, and all General Musters, shall be held in the said Town, and all other the Public Business of the said County shall be transacted in the said Town, and in no other Place or Places whatsoever.

XI. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County are hereby impowered and Authorized, to lay a Levy, not exceeding Eight Pence, Proclamation Money, Yearly, to be paid and collected as other Public Taxes are, and applied towards building a Court House and Gaol, and providing a Ferry, at the Charge of the County, for the Convenience of the inhabitants of the said County passing to and from the said Town, to attend the Court, and transact their Public Business.

XII. And be it further Enacted, by the Authority aforesaid, That the said Justices may, and they are hereby impowered and Authorized, to make Use of the old Court-house and Prison, for the use of the said Court house and Gaol, to be built as aforesaid in the said Town, either by pulling the same down, and moving such Part thereof as may be useful in building the said Court-house to be built in the said Town, as aforesaid, or by selling the same, and applying the Money arising by such Sale, towards erecting the said Buildings in the said Town.

CHAPTER XIII.

An Act to prevent the taking away Boats, Canoes, or Pettiaguas, from Landings, or elsewhere, without Leave.

I. To prevent taking Boats, Canoes and Pettiaguas from Landings, or elsewhere, without Leave.

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That any Person or Persons who, after the Ratification of this Act, shall take away from any Landing or other Place where the same shall be, any Boat, Canoe, or Pettiagua, belonging to or in the Custody of any Person whatsoever, without the Consent and Leave of the Owner or Possessor of such Boat, Canoe or Pettiagua, or shall loose, unmoor, or turn such Boat, Canoe or Pettiagua adrift, such Offender or Offenders shall severally forfeit and pay to the Party who shall own, or in whose Custody and Possession such Boat, Canoe or Pettiagua was, the Sum of Twenty Shillings, Proclamation Money; to be recovered by a Warrant from any Justice of the Peace within the County where the Offence shall be committed, who is hereby impowered and required to hear and determine all such Offences: And if any Offender or Offenders shall, after Conviction, neglect or refuse to pay the said Sum of Twenty Shillings, Proclamation Money, in such Case, it shall and may be lawful for the said Justice, by his Warrant, to commit such Person to the Gaol of the County, where he shall remain until he shall have paid the same, and the accruing Costs.

III. Provided always, That nothing in this Act shall be understood or construed to debar any Person from his or her Action at Common Law, for any Damage sustained by Reason of any Boat, Canoe or Pettiagua, to them belonging, so taken or unloosed, unmoored or turned adrift, from any Landing or other Place where the same was left, against any Person whatsoever, notwithstanding such Person shall have paid the Penalty by this Act inflicted; any Thing herein contained, or any Law, Usage or Custom, to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That if any White Servant, Negroe or Slave, shall Offend against this Act, and be thereof convicted, and the Master, Mistress or Owner of such White Slave, Negroe, or Slave, shall refuse to pay the said Sum of Twenty Shillings, Proclamation Money, such Servant or Slave shall suffer Correction by whipping, at the Discretion of the Magistrate, not exceeding Thirty Nine Lashes.

V. Provided always, and be it Enacted, That neither this Act, nor the Penalties thereof, shall be construed to extend to any Person who shall press any Boat, Canoe or Pettiagua, by Public Authority, to any Person who shall seize his own proper Boat, Canoe or Pettiagua, or any other Person or Persons, being lawfully impowered so to do by the Owner, from any Place or Landing, or from any Person in whose Custody he shall find the same, or to any Servant or Slave taking any Boat, Canoe or Pettiagua, from any Landing or other Place, by Order of his or her Master, Mistress or Overseer.

VI. And be it further Enacted, That if any Master, Mistress or Overseer, shall order any Servant or Slave, belonging to them or under the Care of any of them, to take from any Landing or other Place, any Boat, Canoe or Pettiagua, contrary to the Intent and Meaning of this Act, such Master, Mistress or Overseer of such Servant or Slave so offending shall be liable to the Forfeitures and Penalties of this Act, as if they, in their proper Person, had

done the same; anything herein before contained, to the contrary, notwithstanding.

VII. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, so far as relates to prevent the taking Boats, Canoes or Pettiaguas from Landing or elsewhere, without Leave, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XIV.

An Act for the better Observation and keeping of the Lord's Day, commonly called Sunday; and for the more effectual Suppression of Vice and Immorality.

I. Whereas in well regulated Governments, effectual Care is always taken that the Day set apart for Publick Worship, be observed and kept holy, and to suppress Vice and Immorality: Wherefore,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That all and every Person and Persons whatsoever shall, on the Lord's Day, commonly Called Sunday, carefully apply themselves to the Duties of Religion and Piety and that no Tradesman, Artificer, Planter, Labourer, or other Person whatsoever, shall, upon the Land or Water, do or exercise any Labour, Business or Work, of their ordinary Callings (Works of Necessity and Charity only excepted), nor employ themselves either in hunting, fishing or fowling, or Use any Game, Sport, or Play on the Lord's Day aforesaid, or any Part thereof, upon Pain that every Person so Offending, being of the Age of Fourteen Years and upwards, shall forfeit and pay the Sum of Ten Shillings, Proclamation Money.

III. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall prophanely swear or Curse, in the Hearing of any Justice of the Peace, or shall be convicted of prophanely swearing and cursing, by the Oath of one or more Witness or Witnesses, or confession of the Party before any Justice or Justices of the Peace, every such Offender shall forfeit and pay the sum of Two Shillings and Six Pence, of the like Money, for every oath or curse, And if any Person, executing any Public Office, shall prophanely swear or curse, being first convicted, as aforesaid, such Person shall forfeit and pay the Sum of Five Shillings, of the like Money, for each and every Oath or Curse.

IV. And be it further Enacted, That if any Person or Persons shall prophanely swear or curse, in the Presence of any Court of Record in this Government, such Offender or Offenders shall immediately pay the Sum of Ten Shillings, of the like Money, for each and every Oath or Curse; to be deposited in the Hands of the Chairman of the said Court, and by him accounted for and paid, as hereinafter is directed; or to sit in the Stocks, not exceeding three Hours, by order of such Court.

V. And be it further Enacted, by the Authority aforesaid, That every Person convicted of Drunkenness, by View of any Justice of the Peace, Confession of the Party, or Oath of one or more Witness or Witnesses, such Person so convicted shall, if such Offence was committed on the Lord's Day, forfeit and pay the Sum of Five Shillings, of the like Money; but if on any

other Day, the Sum of Two Shillings and Six Pence, for each and every such Offence.

VI. And for the better Execution of all and every of the foregoing Orders, Be it further Enacted, That all and every Justice and Justices of the Peace, within his or their respective County, shall have full Power and Authority to convene before him or them, any Person or Persons who shall Offend in any of the Particulars before mentioned, in his or their Hearing, or on other legal conviction of any such Offence, and to impose the said Fine or Penalty for the same, and to restrain or commit the offender until it is satisfied, or to cause the same to be levied by Distress and Sale of the Offender's Goods, returning the Overplus, if any, to the Owner: And in Case such Offender be unable to satisfy such Fine, to cause him to be put in the Stocks, not exceeding Three Hours.

VII. Provided always, That all Information against the aforesaid Offences shall be made within Ten Days after such Offence or Offences committed, and not after.

VIII. And be it further Enacted, by the Authority aforesaid, That all Fines accruing and becoming due by Virtue of this Act, shall be levied as soon as may be after Conviction, One Half to the Informer, the other Half to the Use of the Parish where such Offence shall be committed; and the Chairman and Justices of the several Courts of the several Counties of this Province, are hereby directed to account for, upon Oath, and pay such Fine or Fines as shall or may by them or any of them, be received, by Virtue of this Act, to the Church Wardens of the respective Parishes of this Government, at least once a Year, when the same shall be demanded by the Church Wardens; under the Penalty of paying the Sum of Twenty Pounds, Proclamation Money, for every Refusal, to be levied and applied as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That if any Persons commit Fornication, upon due conviction, each of them shall forfeit and pay Twenty Five Shillings, Proclamation Money, for each and every such Offence; to be recovered and applied to the same Use as the other Fines in this Act.

X. And be it further Enacted, That any two Justices of the Peace, upon their own knowledge, or Information made to them, that any single Woman within this County is big with Child, or delivered of a Child or Children, may cause such Woman to be brought before them, and examine her, upon Oath, concerning the Father; and if she shall refuse to declare the Father, she shall pay the Fines in this Act before mentioned, and give sufficient Security to keep such Child or Children from being chargeable to the Parish, or shall be committed to Prison, until she shall declare the same, or pay the Fine aforesaid, and give Security as aforesaid. But in Case such Woman shall, upon Oath, before the said Justices, accuse any Man of being the Father of a Bastard Child or Children, begotten of her Body, such Person so accused shall be adjudged the reputed Father of such Child or Children, and stand Charged with the Maintenance of the same, as the County Court shall Order, and give Security to the Justices of the said Court to perform the said Order, and to indemnify the Parish where such Child or Children shall be born, free from Charges for his, or her, or their Maintenance, and may be committed to Prison until he find Securities for the same, if such Security is not by the Woman before given.

XI. And be it further Enacted, That the Two said Justices of the Peace, at their Discretion, may bind, to the next County Court, him that is charged on Oath, as aforesaid, to have begotten a Bastard Child, which shall not be then born, and the County Court May continue such Person upon Security

until the Woman shall be delivered, that he may be forthcoming when the Child is born.

XII. And be it further Enacted, by the Authority aforesaid, That this Act shall be Publicly read, Two several Times in the Year, in all Parish Churches and Chappels, or for want of such, in the Place where Divine Service is performed in every Parish within this Government, by the Minister, Clerk or Reader of each Parish, immediately after Divine Service; that is to say, on the First or Second Sunday in April, and on the First or Second Sunday in September, under the Penalty of Twenty Shillings, Proclamation Money, for every such Omission or neglect; to be levied by a Warrant from a Justice, and applied to the Use of the Parish where the Offence shall be committed; and the Church Wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

XIII. Provided always, That nothing herein contained shall be construed to exempt any Clergyman within this Government, who shall be guilty of any of the Crimes hereinbefore mentioned, from such further Punishment as might have been inflicted on him for the same, before the making of this Act; any Thing herein contained to the contrary notwithstanding.

XIV. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as related to the suppression of Vice, or Restraining and Punishment of wicked and dissolute Persons, or any Matter or Thing, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XV.

An Act for the Tryal of small and mean Causes.

I. Whereas the Charges, in the General and County Courts of this Province, in many Actions of small Value, do very often surmount the Demand of the Plaintiff; to the very great Damage of the Parties:

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That any Two Justices of the Peace are hereby impowered, by their Warrant, under their Hand and Seals, directed to the Sheriff, Under Sheriff, or Constable, in all Actions of Debt, or other Demand whatsoever, for any Sum or Matter to the Value of Forty Shillings, Proclamation Money, or under, to cause to be apprehended and brought before them, any Person or Persons which have and do refuse or neglect to pay any Creditor complaining of his or their Debt or Debts, or Demands, amounting to the sum aforesaid, and also, to issue their Summon or Summons for such Witness or Witnesses, who shall or may be required, either by Plaintiff, or Defendant, for the better Proof, clearing and opening of the Matter contested between such Parties; and after having heard the Parties, and such Evidence as shall be required or produced by them, and each of them, to adjudge and finally determine all Complaints and Actions of Debts and Demands, as aforesaid, before them brought.

III. And be it further Enacted, That the Plaintiff or Plaintiffs obtaining such Warrant or Precept, shall make Proof of his Debt or Demand before such Justices, in the same Manner and under the same Restrictions as is provided and prescribed by an Act for prescribing the Method of proving

Book Debts; otherwise his, or her, or their Complaint shall be dismissed, with Costs.

IV. And be it further Enacted, That after the Determination of any of the Matters aforesaid by the said Justices, they are hereby impowered and required to issue Execution, to be levied upon the Goods and Chattels of the Defendant or Defendants, to the full Value of the Debt due, and the Costs and Charges hereafter in this Act provided to be paid; and for Want of Goods and Chattels, to commit the Body or Bodies of the Defendant or Defendants to the Common Gaol, until he or they shall pay his or their Debt or Debts aforesaid, together with the Costs; and also, in Case the Plaintiff shall be Cast, to issue Execution, to Levy the Costs for the Defendant, or commit the Plaintiff to Prison till the same is paid, in the same Manner as the Proceedings were to be had against the Defendant, on Judgment being had against him.

V. And be it further Enacted, by the Authority aforesaid, That all and every Sheriff or Constable, shall cause all Goods and Chattels, taken in Execution by Virtue of this Act, to be kept in safe Custody Ten Days, as if the Owner or Owners of such Goods shall not, within the said Ten Days, satisfy the said Debt, and Costs, the Sheriff or Constable shall sell the same at Public Vendue; and after satisfying the Judgment of the Justices as aforesaid, shall return the Overplus, if any there be, to the Owner.

VI. Provided always, That the Tender of the Commodities hereafter mentioned, at the Plaintiff's Place of Residence in the County, shall discharge any Person or Persons, Body or Goods, in Execution on any Judgment, to be given aforesaid; that is to say, Tobacco, Deer skins, Bees wax, Tallow, or Rice, as rated by the Act for granting an Aid to his Majesty: And if any Dispute shall arise between the Parties, whether such Commodities so tendered be good and merchantable, in such Case the Justice or Justices before whom such Cause was determined, shall appoint two Freeholders, who upon their Oaths, shall inspect the same, and if they shall deem the same not good and merchantable in its Kind, the same shall be forfeited, and sold by the Church Wardens, to the Use of the Parish where such Tender shall be made; and then nothing shall discharge such Judgment and Execution, but Money: And if the said Commodities so tendered be adjudged good and merchantable, the Plaintiff shall be obliged to accept of the same, in Discharge of such Debt, and Costs.

VII. And be it further Enacted, That all original Warrants, granted by Virtue of this Act, shall have inserted and plainly signified, the Name or Names of the Plaintiff or Plaintiffs, the Debt demanded, and whether by Bill, Account, Assumpsit, or otherwise, due.

VIII. And be it further Enacted, by the Authority aforesaid, That the said Justices, or their Clerk, shall, for each Warrant, receive One Shilling and Three Pence, proclamation Money, and for every Execution, One Shilling and Three Pence; and every Sheriff and Constable, for every original Warrant executed, shall be allowed One Shilling and Three Pence, Proclamation Money, and for every Subpoena, One Shilling, and for every Execution, One Shilling and Three Pence.

IX. And that all possible Means may be used for the Payment of the Plaintiff or Plaintiffs' Debt, after Execution obtained against the Body of the Defendant or Defendants. It is also Enacted, That the Justices have Power, and they are hereby impowered, in such Cases where they shall judge the Defendant not worth the Debt recovered as aforesaid, then, and not otherwise, by and with the Consent of the Defendant or Defendants, him or them to hire to labour, at so much per Diem, as either the Plaintiff or any indif-

ferent Person will allow, until the whole Debt, by the Produce thereof, be paid; which Produce the Justices are hereby required to cause to be employed to no other Use but paying of the Debt or Debts as aforesaid.

X. And be it further Enacted, by the Authority aforesaid, and it is the true Intent and Meaning of this Act, That any Person who remains indebted by any Bond, Bill, Specialty, Account, Contract, Agreement, Assumpsit or otherwise, howsoever, to the Sum of Forty Shillings, Proclamation Money, or under, shall only be sued and tried before Justices of the Peace in Manner and Form aforesaid, and no otherwise.

XI. And be it further Enacted, That every Person that shall bring an Action or Suit in any Court within this Province, for more than Forty Shillings, Proclamation Money, and thereupon shall have a Verdict for less than Forty Shillings, like Money, shall lose his Cost of Suit, except in Actions of Trespass, and Actions of Defamation, and where an Account is unsettled, and the Defendant shall refuse or neglect, upon Notice given by the Plaintiff, to meet and settle the same.

XII. And be it further Enacted, by the Authority aforesaid, That for the more speedy doing of Justice, where the Debt or Demand shall not exceed Twenty Shillings, Proclamation Money, any one Justice of the Peace shall have full Power and Authority to hear, try and determine all such Causes, in such Manner and Form as is before in this Act Provided for two Justices, where the Debt or Demand shall amount to the Sum of Forty Shillings: And all Sheriffs or Constables to whom either original Warrants, Subpoena for Witnesses, or Execution or Executions, upon Goods and Chattels, or the Body of the Defendant or Defendants as aforesaid, are directed by any one or more Justice or Justices of the Peace, are hereby impowered and commanded to give due Obedience in the execution thereof according to the true Intent and Meaning of this Act.

XIII. And be it further Enacted, by the Authority aforesaid, That if either of the Parties shall be dissatisfied with the Judgment given by the Justice or Justices, he may appeal to the next County Court, first giving Security for prosecuting such Appeal with Effect; which Cause shall be tried and finally determined in the same Court, by a Jury, without any further Process, in the same Manner as Causes are there tried brought by original Writ; and Judgment shall thereupon be given, and the Party cast shall pay the Cost of all Proceedings had thereon, to be taxed by the Court.

XIV. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to the Tryal of small and mean Causes, or any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XVI.

An Act for ascertaining the Damage upon protested Bills of Exchange.

I. For ascertaining the Damage upon protested Bills of Exchange, We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That where any Bill of Exchange is, or shall hereafter be drawn,

for the Payment of any Sum of Money, in which the Value is or shall be expressed to be received, and such Bill is or shall be protested for Non-acceptance or Non-payment, the same shall carry Interest from the Date thereof, after the Rate of Ten per Cent. per Annum, until the Money therein drawn for, shall be fully satisfied and paid.

II. But lest any Person having any such Bill, for the Sake of Interest, delay negotiating the same, or if, after it shall be protested, shall not demand Payment thereof of the Drawer or Indorser, It is further Enacted and Demanded, That no Person whatsoever shall pay more than Eighteen Months' Interest, from the Date of any such Bill, till it shall be presented protested to the Drawer or Indorser thereof.

III. And be it further Enacted, by the Authority aforesaid, That where any Bill, drawn before the making of this Act, or which shall hereafter be drawn, is or shall be protested as aforesaid, there shall be paid unto such Person or Persons as shall have Right to demand the same, for his, her, or their Damage in that Behalf sustained, after the Rate of Fifteen per Cent. for the Sum expressed in the said Bill, together with the Costs and Charges of the Protest and no more.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, having a Right to demand any Sum of Money due upon a protested Bill of Exchange, to commence and prosecute an Action for Principal, Interest, and Charges of Protest, against the Drawer and Indorsers jointly, or against either of them separately, and Judgment shall and may be given for such Principal Draught and Charges and Interest, after the Rate of Ten per Cent. per annum, as aforesaid, to the Time of such Judgment.

V. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XVII.

An Act for regulating Weights and Measures.

I. Whereas so many Notorious Frauds and Deceits are daily committed by false Weights and Measures: For Prevention whereof,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That no Inhabitant or Trader shall buy or sell, or otherwise make Use of in trading, any other Weights and Measures than are made and used according to the Standard in his Majesty's Exchequer, and the Statutes of England in that Case provided.

III. And for Discovery of Abuses, Be it further Enacted, by the Authority aforesaid, That the Justices of Each and every County within this Government, shall, within Two Years next after the Ratification of this Act, at the Charge of each County respectively, provide sealed Weights, of Half Hundred, Quarters of Hundreds, Half Quarters of Hundreds, Seven Pounds, Four Pounds, Two Pounds, One Pound, and Half Pound, and Measures, of Ell and Yard, of Brass and Copper, and Measures of Half Bushel, Peck and Gallon, of Dry Measures; and a Gallon, Pottle, Quart and Pint, of Wine Measure (for

the Payment of which Charge, the said Justices are hereby impowered to levy a Tax on the respective Counties), to be kept by such Person and in such Place, as the Justices of each respective County shall appoint, such Person first giving sufficient Security to the said Justices, in the Sum of Fifty Pounds, Proclamation Money; And the said Justices shall also find and provide for the said Person, a Stamp for Brass, Tinn, Iron, Lead, or Pewter Weights or Measures, and also a Brand for Wooden Measures, of the Letters N. C., upon Pain of forfeiting and paying the Sum of Ten Pounds, Proclamation Money; to be recovered from the said Justices by Action of Debt, Bill, Plaint or Information, in the General Court in this Province, and applied to the Use of our Sovereign Lord the King, for and towards the Support of this Government and the Contingent Charges thereof.

IV. And be it further Enacted, by the Authority aforesaid, That any Person whatsoever using Weights or Measures, shall bring all their Measures and Weights to the Keeper of the County where such Person shall reside or trade, to be there tried by the Standard and sealed or Stamped: And if any Person or Persons shall buy, sell, or barter by any Weight or Measure which shall not be tried by the Standard, and sealed or Stamped as aforesaid, he, she, or they so offending shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money, One Half to the Use of the County where such Offence shall be committed, and the other Half to the Party who shall sue for the same; to be recovered in any Court of Record within this Government, wherein no Essoign, Protection, Privilege, Injunction or Wager of Law, shall be allowed.

V. And whereas Steelyards, by Use, are subject to Alteration, be it further Enacted, by the Authority aforesaid, That all and every Person who shall use, buy or sell by Steelyards shall once every year try the same with the Standard, and take a certificate from the Keeper of the Standard for the County wherein such Person shall reside, upon Pain of Twenty Shillings, Proclamation Money; to be recovered and applied as aforesaid.

VI. And be it further Enacted, by the Authority aforesaid, that it shall and may be lawful for the Standard Keeper to demand and receive the Sum of Nine Pence, Proclamation Money, for each and every Pair of Steelyards, Weights or Measures, by him stamped or sealed as aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That the Standard Keeper of each and every County, shall, at the next court to be held for the County in which he shall reside, take the following oath, viz:

You shall swear, That you will not stamp, seal, or give any Certificate for any Steelyards, Weights or Measures, but such as shall, as near as possible, agree with the Standard in your Keeping; and that you will, in all Respects, truly and faithfully discharge and execute the Power and Trust by this Act reposed in you, to the best of your Ability and Capacity. So help you God.

VIII. And be it further Enacted, by the Authority aforesaid, That the Standard Keeper of each and every County in this Government, is hereby impowered and required, with the assistance of a Constable, (who is hereby commanded, upon Notice, to attend him, upon Information made to him or any Person or Persons keeping, or having in his or their House or Custody, any Steelyards, Weights or Measures, which have been altered, lessened, or shortened, since they were tried and sealed by the Standard, or shall be suspected of buying, selling, or bartering by such false Weights, and Measures,) to search the House or other suspected Places of such Offender, for any such Weights or Measures so falsified; and if upon Search, any such false Weights or Measures, shall be found, he shall charge a Constable with

the Owner of them, or the Person using them, who shall forthwith convey him, her, or them, before any Justice of the Peace, who is hereby directed to bind him, her or them, over to the next Court to be held for the County where the Offence shall be committed; and the said Offence shall be laid before the Grand Jury, by the King's Attorney-General, or his Deputy, and for Want of them, by any Person the County Court shall think fit to appoint, and shall be recognizable by the said Grand Jury, either by Indictment, or Presentment, and if, upon Tryal by a Petit Jury, such Offender or Offenders shall be found guilty, the County Court shall fine each and every Person so convicted, in any Sum not exceeding Twenty-Five Pounds, Proclamation Money; One third Part thereof to the Informer, One Third Part to the Standard Keeper, and One Third Part thereof to be paid to the Justices of the County, to be applied to the use of the County where the Offence shall be committed; and shall commit the Offender to Gaol until the same shall be paid; And further, if it appear to the County Court, by the Verdict of the Petit Jury, that the Offender altered, lessened or shortened, his or her, Steelyards, Weights or Measures, or caused the same to be done, or used such Steelyards, Weights or Measures, knowingly, after they were so altered, lessened, or shortened, with an intent to defraud any Person, in such Case the court shall, besides, and notwithstanding the said Fine, sentence such Offender to stand publickly, during the Sitting of the Court, Two Hours in the Pillory, with his Offence written over his or her Head: Any Law, Custom, or Usage, to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That the Naval Officer of each and every Port within this Government, shall affix up, in a Public Part of his Office, and there constantly keep affixed, an Advertisement of this Act, that Traders coming into this Government may have Notice thereof, upon Pain of forfeiting Five Shillings, Proclamation Money, for every Twenty Four Hours the same shall be neglected; to be recovered, by a Warrant from any Justice of the Peace of the County where the Offence shall be committed, by any Person who shall sue for the same, and applied, One Half to the Informer. and the other Half to the Use of the said County.

X. And be it further Enacted, by the Authority aforesaid, That the Justices of every County respectively, shall have Power to take and receive into their Custody, all such Weights and Measures as have been already provided by their respective County or Parish, and shall also demand and receive from all and every Person or Persons whatsoever, all such Sums of Money as have been already raised to purchase such Weights and Measures, and dispose of and apply the same, according to the Directions of this Act.

XI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relate to Weights and Measures, or any other Matter or Thing within the Purview of this Act is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XVIII.

An Act, for the building and maintaining Court-houses, Prisons and Stocks, in every County within this Province, and appointing Rules to each County Prison for Debtors.

I. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, By and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and is hereby Enacted, by the Authority of the same, That the Justices in all and every County or Counties within this Province, where there is not already suitable provision made, shall, and are hereby impowered and required, at the next succeeding Court of their respective Counties, after the Ratification of this Act, to lay a sufficient Levy upon the Inhabitants of the said Counties, not exceeding One Shilling, Proclamation Money per Poll, for Two Years, for the building a Court House, Prison and Stocks, or any such of them as shall be wanting; which Levy shall be paid and collected by the Sheriff of each County, in the same Manner as all other Public and Parish Taxes and levies are paid and collected, and by him shall be accounted for to the Justices of the County Court, upon Oath; and the said Sheriff shall be allowed Three per Cent. for Collecting the same.

II. And be it further Enacted, by the Authority aforesaid, That the Justices of each County shall and may, from Time to Time, and at all Times hereafter, employ Persons to keep and maintain the Court-House, Prison and Stocks, already Built, and such as are to be built, by Virtue of this or any other Act, or to rebuild such as have fallen to Decay and Ruin, and the same be kept in good Repair, by laying a Poll Tax on the Inhabitants of their respective Counties as aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That if any Person shall neglect or refuse to pay the aforesaid Levies, in Manner aforesaid, and shall be in Arrear after the last Day of Payment, such Person shall be liable to double Distress; to be levied on his Goods and Chattels by the Sheriff of the County where such Delinquent inhabits And for the Preservation of the Health of such Persons as shall, at any Time hereafter, be committed to the County Prisons, the Court shall have Power to Mark out such Parcel of Land as they shall think fit, not exceeding Six Acres, adjoining to the Prison, for the Rules thereof; and every Prisoner, not committed for Treason or Felony, giving good Security to the Sheriff of the County to keep within the said Rules, shall have Liberty to walk therein out of the Prison, for the Preservation of his or their Health: And every Prisoner giving such Security as aforesaid, and keeping continually within the said Rules, shall be, and is hereby adjudged and declared to be, in Law a true Prisoner; and that every Person therewith concerned may know the true Bounds of the said Rules, the same shall be recorded in the County Records, and the Marks thereof shall, from Time to Time, be renewed, as Occasion shall require.

CHAPTER XIX.

An Act, the better to enable the Commissioners appointed for building a Church at New Bern, to erect the same, and to impower them to demand and receive, of any Person or Persons, all Parish Levies already laid and not appropriated; and for other Purposes therein mentioned.

I. Whereas by an Act of Assembly of this Province, passed the last Session, enabling the Commissioners therein appointed to erect and build a

Church in New Bern, and the better to enable them to carry on and finish the same, they were impowered to levy a Tax of One Shilling and Six Pence, for the Two then ensuing Years, on each Tythable in the said Parish; and the said Tax being found insufficient to finish the said Church: And whereas there was laid, by the late Vestry, on the Inhabitants of the said Parish, a Tax of Fifteen Shillings per Poll, on each Tythable, for paying a Minister for the ensuing Year, and the succeeding Vestry not thinking fit to employ a Minister, the said Tax thereby remains, as yet, unappropriated to and for any Parish Use.

II. We therefore pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the said Tax of Fifteen Shillings, shall be appropriated to and for the building and finishing the said Church.

III. And be it further Enacted, by the Authority aforesaid, That the Churchwardens of the said Parish shall, on or before the First Day of May next, after the Ratification of this Act, account for and pay to the Commissioners appointed by the before recited Act, all such Sum or Sums of Money as they shall have received on Account of the aforesaid Tax or Levy of Fifteen Shillings, under the Penalty of One Hundred Pounds, Proclamation Money; to be sued for and recovered, in the General Court of this Province, by Action of Debt, Bill, Plaint or Information (wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of) by any Person who will sue for the same, to be applied to the Use of the said Church; And all Persons who have not paid the aforesaid Tax or Levy, to the Churchwardens as aforesaid, shall, on or before the last Day of May next, after the Ratification of this Act, pay the same to the said Commissioners, or to such Person to whom the Majority of them shall appoint to receive the same, under the Penalty of Double Distress; to be levied by a Warrant from one Justice of the Peace for the said County, and to be applied as aforesaid.

IV. And whereas the said Commissioners have made One Hundred Thousand Brick, towards building the said Church, and some of the said Brick being deemed sufficient for the said Work; Be it therefore Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, may sell or dispose of any such Brick as the said Commissioners shall judge not fitting or sufficient for the building of the said Church, and apply the Money arising by such Sale, to the Uses aforementioned.

CHAPTER XX.

An Act, for regulating Ordinaries, and for Restraint of Tippling houses.

I. Whereas the Laws at present in Force in this Province, have by Experience, been found ineffectual for the due Regulation of Ordinaries, and other Houses of Entertainment.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That all Persons whatsoever, retailing Liquors after the First Day of August next, shall sell the same by sealed Measures, according to an Act, intituled, an Act, for regulating Weights and Measures.

III. Provided always, That it shall and may be lawful for any Person,

retailing Liquors by Licence in any Public House or Houses, to sell the same in Bottles, Bowls or Mugs, the said Bottles, Bowls and Mugs, being sold for no more than they can hold or contain.

IV. And be it further Enacted, by the Authority aforesaid, That from and after the First Court in each County, after the First Day of May next, whoever shall retail Liquors in any House, Booth, Arbour, Stall or Other Place, without Licence First had and obtained, according to the directions of this Act, shall forfeit and pay Five Pounds Proclamation Money; One Half to the Governor or Commander in Chief for the Time being, and the other Half to the Informer; to be recovered as herein after is directed; And that the Method of obtaining such Licence shall be as follows: Whosoever intends to set up an Ordinary, or House of Public Entertainment, shall petition the County Court, and they, at their Discretion, shall judge whether it is convenient to suffer such a House to be there set up, whether the Petitioner be of Ability sufficient to comply with the Intent of the Law, and the Condition of the Bond hereafter mentioned, and whether the Surety, who is to join in the Bond, be responsible, and thereupon to grant or reject the Prayer of the Petitioner accordingly; and in Case the said Petitioner shall be approved of, the Court shall then take Bond, of the Party Petitioning, with good and sufficient Surety, with the Penalty and Condition as followeth, viz.:

Know all Men by these Presents, That we, A. B. and C. D. are held and firmly bound unto our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., in the Sum of Thirty Pounds, Proclamation Money; to be paid to our said Sovereign Lord the King, his Heirs and Successors, for the Use of this Province: To which Payment well and truly to be made, we bind ourselves, and every of us, our, and every of our Heirs, Executors, and Administrators, jointly and severally, firmly, by these Presents.

Sealed with our Seals, and dated this _____ Day of _____. The Condition of this Obligation is such, That whereas the above bounden A. B. hath obtained a Licence to keep an Ordinary at _____ if therefore the said A. B. doth constantly find and provide, in his said Ordinary, good Wholesome, and cleanly Lodging and Dyet for Travellers and Stable, Fodder, and Corn, or Pasturage and Corn, as the Season shall require, for their Horses, for and during the Term of One Year, from the _____ Day of _____ and shall not suffer or permit any unlawful Gaming in his House, nor, on the Sabbath Day, suffer any Person to Tipple and drink more than is necessary; then this Obligation to be null and void: Otherwise to be and remain in Force.

The Bond being taken, the Court shall grant their Order, and the Clerk shall thereupon prepare a Licence, and sign the same, and that Licence shall continue and be of Force for One Year only, from the Date of the said Order, and no longer.

V. And be it further Enacted, by the Authority aforesaid, That there be paid, by the Party obtaining such Licence, to the Governor or Commander in Chief of this Province for the Time being, for his Licence, the Sum of Twenty Shillings, Proclamation Money, and to the Clerk of the Court, for writing the Bond and Licence, the Sum of Five Shillings, Proclamation Money.

VI. And be it further Enacted, by the Authority aforesaid, That if any Ordinary keeper shall permit in his House unlawful Gaming, or shall suffer any Person or Persons, on the Lord's Day, to tipple in his House, or drink more than is necessary, or shall (without Licence from their respective

Masters) Harbour any Seaman, Servant, or Slave, contrary to the Intent and Meaning of this Act, it shall be lawful for any Two Justices of the Peace, upon their own View or Knowledge, or upon Proof made to them, by the Oath of one credible Witness, to suppress the said Ordinary, until the next succeeding Court; and upon Certificate made by the said Two Justices of the said Offence, and further enquiry into the same, the said County Court shall disable the Offender from keeping Ordinary thereafter, until they shall think fit to grant him a new Licence, or to restore him to keep Ordinary upon the former Licence, as they shall see Cause: and if any Ordinary-keeper shall sell or retail any Liquor, after he hath been so discharged, by the aforesaid Two Justices, and before he shall be restored by the Court, he shall be liable to all the Penalties and Forfeitures, as if he had never obtained a Licence.

VII. And be it further Enacted, by the Authority aforesaid, That the Justices of each county shall, Annually, at the next Court held after the First Day of May, set and rate the prices that Ordinaries shall entertain and sell at; that is, of Liquors, according to the Measures before mentioned, and of Diet, Lodging, Fodder or Provender, or Corn and Pasturage.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Ordinary-keeper shall ask, demand, or receive, a greater Price for any Drink, Dyet, Lodging, Fodder, Provender, Corn, or Pasturage, than shall be set down and rated by the Justices of the County, according to this Act, he or she shall, for every such Offence, forfeit and pay Ten Shillings, Proclamation Money, to the Informer; to be recovered, with Costs, by the Warrant of any Justice of the Peace of the County where such Offence shall be committed.

IX. And be it further Enacted, by the Authority aforesaid, That every Ordinary-keeper shall, within One Month after the Rates shall be set by the County Court where the Licence was granted, obtain of the Clerk a fair Table of the Rates and Prices set by the Court, for which the Clerk may ask and receive Two Shillings and Six Pence, Proclamation Money, and no more; which Table shall be openly set up in the Common entertaining Room of the said Ordinary, and there constantly kept during One whole Year, or until the Rates shall be again set by the Court: And every Ordinary-keeper failing herein, shall forfeit and pay the Sum of Five Pounds, Proclamation Money.

X. And be it further Enacted, by the Authority aforesaid, That if any Person, contrary to the true Intent and Meaning of this Act, shall keep a Tippling House, or retail Liquor as aforesaid, without Licence, and being thereof lawfully Convicted, shall not pay down the said Fine of Five Pounds, Proclamation Money, or forthwith give Security to pay the same, within one Month next after such Conviction, he or she so offending, shall immediately, by Order of the Court before whom such Conviction shall be, receive, at the Public Whipping Post, on his or her bare Back, Thirty lashes, well laid on, for the First Offence, in Lieu of the said Fine; and for the Second, and every future Offence, upon the refusing to pay or give the said Security for the said Fine as aforesaid, he or she shall, by Order aforesaid, receive Thirty Nine Lashes as aforesaid, and shall be committed to Prison for the Space of One Month, without Bail or Mainprize: And where the Offender is not able to pay the Fine, in that Case the Informer shall not be chargeable with any Fees accrued by reason of such Information.

XI. And be it further Enacted, by the Authority aforesaid, That no Ordinary-keeper or Master of a Tippling House, or any Person whatsoever, shall after the Ratification of this Act, trust or sell Drink to any common Sailor,

in actual pay on board any Ship or Vessel within this Province, without leave of the Master of such Ship or Vessel, for any Value whatsoever upon Credit, under the Penalty of losing all the Money trusted to such Sailor as aforesaid, nor shall sell Drink, upon Trust, to any Person whatsoever, to a greater value than Ten Shillings, Proclamation Money, unless the Person so Trusted shall sign a Book, in Acknowledgment of the said Debt; under the Penalty of losing all the Money so trusted, over and above the said Sum of Ten Shillings, Proclamation Money; and the Person so trusted, shall not be liable to pay the same.

XII. And be it further Enacted, by the Authority aforesaid, That all Penalties, Fines, and Forfeitures, in this Act, the Method of recovering or applying whereof are not herein particularly directed, shall be, One Half to the Church Wardens and Vestry of the Parish where such Fine is incurred, for and towards the contingent Charges of the Parish, and the other Half to him or them that shall sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Essoign, Protection, or Wager of Law, shall be allowed.

XIII. Provided always, That nothing herein contained, shall be construed, deemed, or taken, to prohibit or restrain any Merchant or other Person, to sell, by Retail, Wine, Brandy, Rum or Spirits, in any Quantity not less than a Quart, or Ale, Beer, or Cyder, in any Quantity not less than a Gallon, if none of the said liquors are allowed to be tipped or drank out at the Houses, Stores, or Plantations, where the same are sold.

XIV. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to regulating Ordinaries, and Restraint of Tippling-Houses, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XXI.

An Act for the relief of such Persons as have suffered or may suffer, by the Registers of the several Counties within this Province neglecting to Register their Deeds or Mesne Conveyances; or who, through Ignorance or Neglect, have not had the same acknowledged, proved, and registered.

I. Whereas by an Act of the General Assembly of this Province, intituled, An Act, to appoint Public Registers, and to direct the Method to be observed in conveying Lands, Goods and Chattels, and to prevent fraudulent Deeds and Mortgages, amongst other Things it is Enacted: That no Conveyance or Bill of Sale for Land, (other than Mortgage) in what Manner or Form soever drawn, should be good and available in Law, unless the same was acknowledged by the Vender, or proved, by one or more Evidences, upon Oath, either before the Chief Justice for the Time being, or in the Court of the Precinct where the Land lay, within Twelve Months after the Date of the same Deed: And whereas several of the Public Registers of the several Counties of this Province, have neglected to register several Deeds or mesne Conveyances, pursuant to the before recited Act, and several Persons, through Ignorance or Neglect, have failed to prove, acknowledge, and register their Deeds or mesne Conveyances, and also several persons have recorded their mesne Conveyances in the Clerk's

Office of the several Precincts or Counties in which such Lands lie, believing the same as effectual as if the said Deed or mesne Conveyance had been registered in the Register's Office as aforesaid; whereby several Persons' Titles to their Lands and Tenements are become precarious, to the great Prejudice of such Persons: To the End therefore that all possible Relief may be given to the Persons whose Estates, Titles, and Interest, may be affected thereby.

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That all Deeds and mesne Conveyances of Lands, Tenements and Hereditaments, not already acknowledged, proved and registered, by any neglect as aforesaid, the Public Register of every County where such neglect hath happened, shall register such Deed or mesne Conveyance, within Twelve Monthe after the Ratification of this Act; provided such Deed or mesne Conveyances, be delivered to the Register of each County where the Land lyeth, within Ten Months after the Ratification of the same.

III. And be it further Enacted, by the Authority aforesaid, That all Deeds or mesne Conveyances, which have been recorded by the Clerk of any Precinct or County Court within this Province where such Land lie, or have been heretofore registered by the Public Register of any of the said Precincts or Counties within this Province where such Lands lie, though not within One Year after the Date of such conveyance, shall be good and valid in Law; and all Deeds and mesne Conveyances, hereafter to be proved, acknowledged, and registered, in the Manner as is by this Act directed, that shall be good and valid, to all Intents and Purposes as if the said Deeds and mesne Conveyances had been registered Pursuant to the before recited Act: And such Registry of all and every Deed or mesne Conveyance, already registered, or that hereafter shall be registered, by Virtue of this or the before recited Act, or a copy thereof properly attested by the Register shall and may (where such original Deed or Mesne Conveyance is lost), be given in Evidence in any Court within this Province, in such Suit or Suits wherein there may be Occasion to give such registered Deed or mesne Conveyance in Evidence; any Law, Usage, or Custom, to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That every Register that shall neglect, refuse, or delay to register any Deeds, mesne Conveyances, or any other Instrument of Writing, within Two Months after delivered to him, such Register or Registers, for each and every Two Months so neglecting, refusing, or delaying, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money, One Half to the Use of the Parish, and the other half to him or them that shall sue for the same, to be recovered, by Action of Debt, Bill Plaint, or Information, in any Court of Record in this Government, wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of.

CHAPTER XXII.

An Act for Punishment of Deserters. Obs.
(Omitted.)

CHAPTER XXIII.

An Act for Establishing the Church, for appointing Parishes, and the Method of Electing Vestries; and for directing the Settlement of Parish Accompts throughout this Government.

1. Be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That this Government be and it is hereby divided in distinct Parishes, in the Manner following: That is to say, St. Paul's Parish, in Chowan County, Berkely Parish, in Perquimons County, St. John's Parish, on the Southwest side of Pasquotank River, and St. Peter's Parish on the Northwest Side of Pasquotank River, in Pasquotank County, Currituck Parish in Currituck County, Northwest Parish, and Society Parish, in Bertie County, St. Andrews Parish in Tyrrell County, St. Thomas Parish in Beaufort county, St. George's Parish, in Hyde County, Christ-Church Parish, in Craven County, St. John's Parish in Onslow County, St. James Parish, on the East side of Cape Fear River, in New Hanover County, and St. Phillip's Parish on the West side of Cape Fear River, in New Hanover County, from the Mouth of the said River, running up the Northwest River to the Bounds of the County, inclusive of the Island at the Mouth of the Northwest and Northeast rivers, in the said County, commonly called Eagle's Island, lying to the South of the Thoroughfare, St. Martin's Parish, in Bladen County, and Edgecomb Parish, in Edgecomb County.

II. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of every Parish aforesaid, being Freeholders, shall, and they are hereby directed and impowered, to meet together on the First Monday next after the Ratification of this Act, and on every Easter Monday every Two Years thence, after, at the Court-house, or where there is no Court-house, at the most usual Place of Public Worship, in every Parish, then and there to choose and elect Twelve Freeholders, to serve as Vestrymen for the Two next ensuing Years: Which Vestrymen so chosen, shall, by the Constable or Constables, be summoned to meet at the Church, and where there is no Church, then at the Court-house, or where there is no Court-house, at the most usual Place of Public Worship as aforesaid, in each respective Parish, within Forty Days next after such Choice, and then and there to Qualify themselves according to the Directions, and under the Penalty hereafter mentioned; and if the said Constable or Constables, or any of them, shall neglect or refuse to summon the Vestry as aforesaid, he or they so Offending, shall forfeit and pay the Sum of twenty shillings Proclamation Money, for each and every Vestryman not summoned as aforesaid who shall reside within the District of such Constable; to be levied and applied as herein after is directed.

III. And be it further Enacted, by the Authority aforesaid, That no Person shall be admitted to be of any Vestry within this Government, that doth not take the Oaths by Law appointed to be taken, for the Qualification of Public Officers, and subscribe the following Declaration, viz.:

I, A. B. do declare, that I will not oppose the Liturgy of the Church of England, as it is by law established: And all and every Vestryman who shall neglect or refuse to do the same, shall (if he be not a known Dissenter from the Church of England), forfeit and pay the Sum of Three Pounds, Proclamation Money) to be levied and applied as herein after is directed: And if any Person or Persons, chosen as a Vestryman or Vestrymen, shall neglect or refuse to take and subscribe the said Declaration, the Vestry of which

such Person or Persons was or were elected a member or the major Part of them, are impowered and required to elect and choose another or other Freeholder or Freeholders, to be Vestryman or Vestrymen in the Room and stead of the Person or Persons neglecting or refusing as aforesaid: And if it shall happen that the Vestry of any Parish within this Government, shall not elect and make choice of another or others in the Room and Stead of such Vestryman or Vestrymen neglecting or refusing to qualify as aforesaid, within One Month next after such Neglect or Refusal, that then and in such Case it shall and may be lawful for the Minister of such Parish, or for want of such, the Governor or Commander in Chief for the Time being, under his Hand and Seal, to appoint some Freeholder or Freeholders to supply such vacant Place or Places in such Vestry.

IV. And be it further Enacted, by the Authority aforesaid, That the several Vestries of this Government shall, within Forty Days after Easter Monday, Yearly, and every year, elect and choose out of the said Vestry, Two Persons, to execute the Office of Church Wardens in each and every respective Parish; and if the Persons elected and chosen Church Wardens as aforesaid, or either of them, shall refuse to execute the said Office, he or they so refusing, shall pay and forfeit Forty Shillings, Proclamation Money; to be levied and applied as hereinafter is directed, and the Vestry shall immediately proceed to elect and choose another Church Warden or Church Wardens out of the Vestrymen, in the Room of him or them so refusing to Act.

V. Provided always, That no Person whatsoever, shall be obliged to serve as Church Wardens in any Parish within this Government, for more than One Year, unless he consent thereto.

VI. And be it further Enacted, That the Church Wardens, or in Case they refuse or neglect, any Three or more of the Vestry in each and every Parish in this Government, shall have full Power and Authority to call the Vestry together, at the Places as are in this Act heretofore directed, at any Time, and upon any occasion, they shall judge necessary, by Warrant or Warrants under their Hands, directed to the several Constables of the respective Districts and Parishes, who shall be obliged to execute the same according to the Tenour thereof, under the Penalty of Ten Shillings Proclamation Money. for each and every Vestryman in such Warrant mentioned, who shall not be summoned; to be levied as hereinafter is directed: And every Vestryman who shall refuse or neglect to attend the Vestry agreeable to such Summons, shall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for such offence, unless he can show sufficient Cause for his so doing, to be admitted of by the Vestry, or the Major Part of them, at their next Meeting; to be levied and applied as herein after is directed.

VII. And be it further Enacted, by the Authority aforesaid, That the Vestries of the several Parishes of this Government, shall have full power and authority, upon the Death or removal out of their respective Parishes of any Church Warden or Church Wardens, before the Time limited for the executing of the said Office be expired, to elect and choose out of the Vestry, another Church Warden or Church Wardens, in the Room and stead of the Person or Persons dead, or removing out of the Parish as aforesaid; which Church Warden or Church Wardens, so elected or Chosen, shall serve until the Time appointed by this Act for the Election and Choice of Church Wardens, Anything herein contained to the Contrary Notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That the Vestries of each respective Parish within this Government, shall have full Power and Authority, and they are hereby directed and required, within

Forty days next after Easter Monday, Yearly, and every Year, to appoint and order such Sum of Money as they shall judge necessary, to pay and satisfy the Expence and Charge of their respective Parish, for the then Current Year, to be raised by the Poll, and collected in the same Manner by the Sheriff as other Taxes.

IX. And be it Enacted, by the Authority aforesaid, That the Church Wardens of each and every respective Parish in this Government, shall deduct, out of the money arising from all Parish Taxes by them received, the Sum of Three Per Cent. as a Reward for their Trouble, and no more.

X. And be it further Enacted, by the Authority aforesaid, That the Church Wardens of each and every respective Parish in this Government, shall, the first Vestry to be held in each Parish after every Easter Monday, Yearly, and every Year, on Oath, account with their respective Vestries for all Parish Monies in their Hands, of what Kind or Denomination soever, that now are or hereafter shall become due, by Virtue of any Law for that Purpose, or otherwise, and shall pay the same to the Vestry, or their Order. And if any Church Warden or Church Wardens which now is or are, or that hereafter shall be, in any of the respective Parishes in this Government, shall neglect or refuse to account for and pay to the respective Vestries, or their Order, the Money in his or their Hands belonging to the Parish for which he or they are Church Wardens, within Twenty days after Notice, in Writing, given to him or them, to account for and pay the Parish Money aforesaid; he or they so offending, shall severally forfeit and pay Twenty Five Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Name of the Church Wardens, in any Court of Record within this Province, wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; to be applied by the Vestry to the Use of the Parish.

XI. Provided always, That nothing in this Act shall be construed to repeal any Clause, Matter, or Thing, in Two several Acts, passed last Session, at Edenton, for the finishing a Church at Edenton, and for erecting and building, and finishing a Church at New Bern.

XII. And be it further Enacted, by the Authority aforesaid, That the Vestry and Church Wardens of each and every Parish within this Government shall have full Power and Authority to call any Justice of the Peace or other Person or Persons whatsoever, to account, upon Oath, for the Monies in the Hands of them or any of Them belonging to their respective Parishes, or accruing and becoming due to the same, by Virtue of any of the Laws of this Government: And if any Justice or Justices or other Person or Persons shall refuse to appear and account as aforesaid, such Justice or Justices, or any other Person or Persons so refusing or neglecting, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by the Church Wardens of the Parish where such Monies become due, or where payable, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Government, wherein no Essoign, Protection, Injunction or Wager of Law, shall be allowed or admitted of; and to be applied to the Use of the Parish.

XIII. And be it further Enacted, by the Authority aforesaid, That the Vestry of each and every Parish in this Government, shall have full Power to raise Money, by the Poll, for building a Church, Chappel, or Chappels, to purchase lands for a Glebe, to erect Convenient buildings thereon, and to keep the aforesaid Edifices in repair, as Need shall be, from Time to Time, to buy Books and Ornaments for the Church and Public Worship, and for the Care and Support of the Poor, and all other Parish Charges as they shall

judge necessary for the respective Parishes; which said Poll-Tax shall be collected and levied as in this Act before is directed, and shall not exceed Five Shillings, Proclamation Money, per head in any one Year, for all the Purposes in this Act before mentioned.

XIV. And be it further Enacted, by the Authority aforesaid, That the several Church Wardens and Vestries of the several and respective Parishes of this Government, or the greatest part of them, shall use their best and utmost Endeavours to procure an able and Godly Minister, qualified according to the Ecclesiastical Laws of England, and a Person of a sober Life and Conversation, to be Clerk; and may raise him or them such Stipends Yearly as they shall think convenient, so as such Stipend for the Minister be no less than Fifty Pounds proclamation Money Yearly.

XV. Provided always, That such Minister for whom such Monies are to be so raised be constantly resident in the Parish, and doth not omit officiating at the Church or Chappels within the Parish, unless permitted by the Church Wardens and Vestry to officiate in such neighbouring Parish which may be vacant, or disabled by sickness, or other unavoidable Accident.

XVI. And be it further Enacted, That if any Minister who shall have a Cure in any Parish by Virtue of this Act, shall be notoriously Guilty of any scandalous Immorality, it shall and may be lawful for any number of the Vestry not less than Nine, agreeing thereto, to withdraw the Stipend by this Act allowed to such Minister.

XVII. Provided always, That after such withdrawing of the Stipend, such Minister shall be at Liberty to bring suit, in the General Court of this Province, against the Church Wardens of his Parish, for the recovery of his Stipend; in which suit the Church Wardens may, in Bar of the Action, plead the Order of the Vestry, and shall set forth the particular facts for which the Vestry withdrew the Stipend of such Minister, And in Case the Jury shall find for the Minister, then he shall recover his Stipend, with Costs of Suit, and enjoy his Benefice; but in Case the Jury find for the Church Wardens, then, and in such Case the Vestry of the Parish are hereby empowered to elect another Minister in his Room and Stead.

XVIII. And be it further Enacted, by the Authority aforesaid, That every Minister within this Government, shall during his Incumbency, keep and maintain the Mansion-house, and all other the Out-houses and conveniences that shall be erected on his Glebe, in tenantable Repair, and shall so leave the same at his Death, or Removal out from the said Parish (the Accidents of Fire and Tempest only excepted), and shall not suffer any Waste, by cutting down of Timber, or otherwise, to be committed on his said Glebe, except for necessary Repairs, Fences or other Improvements, and Fire-wood, to be used thereon: And in Case any Minister shall fail to keep his said Glebe and the Buildings thereon in tenantable Repair, or shall suffer any Waste to be committed thereon as aforesaid, such Minister, his Executors and Administrators, shall be liable to the Action of the Church Wardens of the Parish for the Time being, whereby the Value of such Repair or Waste shall be recovered, in Damages, with Costs of Suit; and the Damage so recovered shall be laid out according to the Directions of the Vestry and Church Wardens, in making necessary Repairs upon the Glebe.

XIX. And be it further Enacted, by the Authority aforesaid, That the several Sums of Money, arising and becoming due by Reason of the Forfeitures by this Act inflicted, and for which no Method of Recovery or Application is directed before in this Act, shall be levied, within One Week next after they shall become due, by Warrant of Distress, and Sale of Offenders'

Goods, from one or more of his Majesty's Justices of the Peace within the County where the Default shall be made (Regard being had to the Jurisdiction of the said Justice or Justices, returning the Overplus, if any, to the Owner), and paid to the Church Wardens for the Use of the Parish, and by them to be accounted for and paid as herein before is directed.

XX. And whereas a Vestry and Church Wardens will be wanting, for the Parish of St. Philip's, in New Hanover County, before the Time limited by this Act, for the Election of Vestrymen for the several Parishes within this Province; Be it Enacted, by the Authority aforesaid, That Nathaniel Rice, Eleazer Allen, Matthew Rowan, Roger Moore, William Forbes, James Hasel, Richard Eagles, John Davis, Archibald Hamilton, George Ronald, Cornelius Harnet, and George Moore be, and are hereby appointed Vestrymen for the said Parish of St. Philip's, until the next Election of Vestrymen, as by this Act directed: Which said Vestrymen shall have full Power to choose Church Wardens, and to do and perform every other Matter and Thing which other Vestrymen may do by Virtue of this Act, and shall be liable to the same Penalties and Forfeitures as in this Act is before mentioned; any Law, Custom, or Usage, to the contrary, notwithstanding.

XXI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof (except as before excepted) heretofore made, so far as relates to the establishing the Church, appointing Parishes and select Vestries, and for directing the Settlement of Parish Accounts, is and are hereby repealed and made void, to all Intents and Purposes as if the same had never been made.

CHAPTER XXIV.

An Act Concerning Servants and Slaves.

I. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That no Person whatsoever, being a Christian, or of Christian Parentage, who, from and after the Ratification of this Act, shall be imported or brought into this Province, shall be deemed a Servant for any Term of Years, unless the Person importing him or her shall produce an Indenture, or some Specialty or Agreement, signifying that the Person so imported did contract to serve such Importer, or his Assigns, any Number of Years, in Consideration of his or her Passage, or some other Consideration therein expressed; and upon any Contest arising between the Master of any Vessel, or other Person importing any Servant or Servants, without Indenture, upon any Bargain or Specialty as aforesaid, the same shall be determined at the next County Court to be held for the County where the said Servant or Servants shall be imported, the Justices of which Court are hereby Impowered to hear and determine the same, in a summary way; and such Determination or Judgment shall be conclusive and binding on the Importer of Servant or Servants, either for the Discharge of the said Servant or Servants, or to oblige him, her, or them, to serve the Importer, or his Assigns, as the Matter shall appear.

II. And be it further Enacted, by the Authority aforesaid, That if any Christian Servant, whether he or she be a Servant by Importation or otherwise, shall at any Time or Times absent him or herself from the service of his or her Master or Mistress, without Licence first had, he or she shall

satisfy and make good such Loss of Time by serving after their Time of Service by Indenture or otherwise is expired, double the Time of Service lost or neglected by such Absence; and also such longer Time as the County Court shall think fit to adjudge, in Consideration of any further Charge or Damage the Master or Mistress of such Servant may have sustained, by Reason of his or her Absence as aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That if any Christian Servant shall lay violent Hands on his or her Master or Mistress, or Overseer, or shall obstinately refuse to obey the lawful Commands of any of them, upon Proof thereof by one or more Evidences before any Justice of the Peace, he or she shall, for every such Offence, suffer such Corporal Punishment as the said Judge shall think fit to adjudge, not exceeding Twenty One Lashes.

IV. And as an Encouragement for Christian Servants to perform their Service with Fidelity and Cheerfulness; Be it further Enacted, by the Authority aforesaid, That all Masters and Owners of any Servant or Servants shall find and provide for their Servant or Servants wholesome and competent Diet, Clothing and Lodging, at the Discretion of the County Court, and shall not, at any Time, give immoderate Correction, neither shall at any Time whip a Christian Servant naked, without an Order from the Justice of the Peace: And if any Person shall presume to whip a Christian Servant naked, without such Order, the Person so offending shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Party injured; to be recovered, with Costs, upon Petition to the County Court (without the formal Process of an Action), as in and by this Act is provided for Servants' complaints to be heard and determined; provided Complaint be made Six Months after such whipping.

V. And be it further Enacted, by the Authority aforesaid, That all Servants by Indenture or otherwise as aforesaid, shall have their Complaints received by a Justice of the Peace, who, if he find Cause, shall bind the Master, Mistress, or Overseer over, to answer the Complaint at the next County Court; and it shall be there determined: And all Complaints of any Servant or Servants shall and may, either immediately or as aforesaid by Virtue hereof, be received at any Time, upon Petition or Information in the Court of the County wherein they reside, without the formal Process of an Action; and also, full Power and Authority is hereby given to the said Court, at their Discretion (having first summoned the Master, Mistress or Overseer, to justify themselves, if they think fit), to adjudge, order and appoint what shall be necessary as to Diet, Lodging, Clothing, or Correction, and if any Master, Mistress or Overseer shall not thereupon comply with the Order of the said Court, the said Court is hereby authorized and empowered, upon a second just Complaint, to order such Servant or Servants to be immediately sold, at Public Vendue, by the Sheriff; and after the Charges are deducted the remainder of what the said Servant or Servants shall be sold for, to be paid to the Owner.

VI. Provided always, That if such Servant or Servants shall be sick or lame, or otherwise rendered so incapable that he, she, or they cannot be sold for such Value at least as shall satisfy the Fees, and other incident Charges accrued, the said Court shall then order such Servant or Servants into the Care of the Church Wardens of the Parish; and the Master, Mistress or Owner shall provide the said Servant or Servants with such convenient Necessaries as they shall direct and judge sufficient for his, her or their Support, until the Time due by Law from such Servant or Servants to their Master, Mistress or Owner, shall be expired, or until such Servant or Ser-

vants shall be recovered so as to be sold, for defraying the said Fees and Charges.

VII. And be it further Enacted, That the said Court, from Time to Time, shall order the Charges of keeping such Servant or Servants, to be levied upon the Goods and Chattels of the Master or Owner of such Servant or Servants in Case they should neglect or refuse to provide for the same.

VIII. And be it further Enacted, by the Authority aforesaid, That all Servants aforesaid, whether by Indenture or otherwise, as well Feme Coverts as others, shall in the like manner (as is provided upon Complaints of Misusage) have their Petitions received in the said County Court for their Wages, Freedom and Freedom Dues (in this Act hereafter expressed), without the formal Process of an Action; and Proceedings and Judgment shall, in like manner, be had thereupon.

IX. And be it further Enacted, by the Authority aforesaid, That no Master or Mistress of any Servant or Servants, who shall happen to be sick or diseased during the Time of their Servitude, and unable to perform their daily Labour, shall, upon any Pretext whatsoever, remit to such Servant or Servants, any Part of his, her or their Time, to be cleared of them, whereby the said Servant or Servants may perish, or become a Charge to the Parish: And whosoever shall hereafter offend herein, or shall not use and endeavour all Lawful Means for Recovery of such their Servant or Servants as shall happen to be sick or diseased, during the Time of his, her or their Servitude, shall forfeit, for each and every Servant so turned off or neglected, Five Pounds, Proclamation Money, to be levied by an Order from the County Court before whom the Fact shall be proved, by the Oath of one or more Witness or Witnesses, and to be paid into the Hands of the Church Wardens of that Parish where the Offence shall be committed, and disposed of towards the Support and Maintenance of such Servant or Servants so turned off or neglected, for the recovery of his, her or their Health and Strength; and such Servant or Servants shall be, by the County Court or any Two Justices, during the Time of their Infirmary, ordered into the Hands and Care of the Church Wardens of the Parish in which his, her or their Master or Owner shall dwell, but in case such sick or diseased Servant or Servants respectively shall not live to the expending the said whole Sum of Five Pounds, Proclamation Money, then the Remainder to be disposed of to the Use of that Parish; or in Case the said Sum of Five Pounds should not be sufficient to support each Servant during his Servitude, or until his Recovery, in such Case the County Court is hereby authorized and impowered to order a Sufficiency to be levied (from Time to Time, as the same shall become due) upon the Goods and Chattels of the Master or Owner of such Servant or Servants, if they shall neglect or refuse to provide the same, agreeable to the Orders of the said Court; and such Servant or Servants so neglected or turned off, shall, upon their Recovery, be set free from their Master or Owner.

X. Provided always, and be it further Enacted, That if any Servant or Servants in this Government shall, thro' his, her or their own wilful Misbehaviour, happen to have any Disease or any broken Bones, Bruises or other Impediments whereby they may be disabled to perform their Labour as they ought to do, and become chargeable to their Master or Owner, such Servant or Servants shall serve his, her or their Master or Owner, after the Time of his, her or their Service by Indenture or otherwise is expired, such Time as shall by the County Court be adjudged sufficient to satisfy the Charges expended on him, her or them for his, her or their Recovery; and shall also

serve over so much Time as he, she or they by any such Means were disabled to serve: Anything herein contained to the contrary notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That if any Servant or Servants shall unjustly vex and trouble his, her or their Master or Owner with Groundless Complaints against them to the County Court, or any Justice or Justices of the Peace, such Servant or Servants shall, by the County Court, be ordered to serve his, her or their Master or Owner so injured by such unjust and groundless Vexation, after the Expiration of the Time he, she or they have then to serve, the double Term and Space of that Time he, she or they neglected and lost in Prosecution of such Complaints.

XII. And be it further Enacted, by the Authority aforesaid, That every Servant who shall be in Gaol for his, her or their own Offence, shall serve his, her or their Master or Owner double the Time he, she or they shall there remain, after the Expiration of the Time he, she or they have to serve by Indenture or otherwise; and further, serve his, her or their said Master or Owner such Time as shall be ordered by the County Court as a satisfaction for the Fees and other Charges his, her or their Master or Owner hath expended for such Servant or Servants.

XIII. And be it further Enacted, by the Authority aforesaid, That in all Cases of Penal Laws, whereby Persons free are punishable by Fine, Servants shall be punished by whipping, at the Discretion of any Court or Justice or Justices before whom such Fine or Fines are recoverable, not exceeding Thirty Nine Lashes; unless the Servant so culpable can and will procure some Person or Persons to pay the Fine.

XIV. And be it further Enacted, by the Authority aforesaid, That no free Man or Trader whatsoever, shall buy, sell, trade, barter or borrow any Commodities whatsoever, with, to or from any Apprentice or Servant, whether so by Indenture or otherwise, or with any Slave within this Government, without the Consent of the Master, Mistress or Owner of such Apprentice, Servant or Slave, upon Pain of forfeiting treble the Value of the Commodity or Commodities so traded for, bartered or sold, and also shall pay the Sum of Six Pounds, Proclamation Money, to the Use of the said Master, Mistress or Owner; to be recovered, in the Court of the County where the Offence shall be committed, by Action of Debt, Bill, Plaint or Information, wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of: And if it shall so happen that the Person so offending shall not be able to pay treble the Value of the Commodities so traded for, sold or bartered, and the Sum of Six Pounds, such Person shall then be adjudged by the County Court to be sold as a Servant for the same.

XV. Provided always, That if the Master, Mistress or Owner of such Apprentice, Servant or Slave shall not, within Six Months after he or she shall have Information or Knowledge of such Offence, Prosecute the Offender or Offenders for the same, that then it shall and may be lawful for any other Person so to do, and to have and receive every Advantage and Benefit arising from such Prosecution.

XVI. And be it further Enacted, by the Authority aforesaid, That every Servant, by Indenture or otherwise, who shall imbezzel, purloin, wilfully waste or shall trade, sell or barter, or otherwise make away any of his or her Master or Mistress' Corn, Cattle, Sheep, Hogs, Stock, or other Goods or Provisions, or Commodities whatsoever, shall, upon Conviction of every such Offence, by one or more Testimonies, upon Oath, or Confession of the Party, before any County Court within this Government, be adjudged by the said Court, to serve his or her said Master or Mistress such Time as the

said Court shall think reasonable, for the said Offence, after the said Time by Indenture or otherwise, as aforesaid, is expired.

XVII. And whereas many Women Servants are begotten with Child by free Men, or Servants, to the great Prejudice of their Master or Mistress, whom they serve, Be it therefore further Enacted, by the Authority aforesaid, That if any Woman Servant shall hereafter be with Child, and bring forth the same during the Time of her Servitude, she shall for such Offence be adjudged by the County Court to serve her Master or Mistress one Year after her Term of Service by Indenture or otherwise is expired.

XVIII. And be it further Enacted, by the Authority aforesaid, That if any Woman Servant shall hereafter be delivered of a child, begotten by her Master, such Servant shall immediately after Delivery be sold by the Church Wardens of the Parish where the Offence is committed for One Year, after the Time of Service by Indenture or otherwise is expired, and the Money arising by such Sale shall be for the use of the Parish: And if any White Servant Woman shall, during the Time of her Servitude, be delivered of a Child begotten by any Negro, Mulatto or Indian, such Servant, over and above the Time she is by this Act to serve her Master or Owner for such Offence, shall be sold by the Church Wardens of the Parish, for Two Years, after the Time by Indenture or otherwise is expired: and the Money arising thereby applied to the Use of the said Parish; and such Mulatto Child or Children of such Servant, to be bound by the County Court until he or she arrive at the age of Thirty One Years.

XIX. And whereas many abuses have and may be committed by Persons who, under Pretence of understanding several Trades and Misteries, have procured, and may hereafter procure, large Sums of Money to be advanced to them, and have entered, and may hereafter enter, into Covenants with Merchants and others in Great Britain, or elsewhere, for the Payment of large Wages, Yearly, though they were, or may be, totally ignorant of and unable to perform such Trade and Mistery: For Remedy whereof,

XX. Be it Enacted, by the Authority aforesaid, That all and every Person or Persons already imported, or who shall be hereafter imported, into this Government as a Tradesman or Workman on Wages, and shall be found not to understand such Trade or Employment, the Master or Owner of such Servant may bring him or her to any County Court of this Government; which Court, upon Complaint made to them of such Deceit, are hereby impowered and directed to enquire into the same, and upon finding any such Fraud, may judge and direct such Satisfaction to be made to the Master or Owner of such Servant, either by Defalcation of the Wages or Part thereof, as to them shall seem just.

XXI. And be it further Enacted, by the Authority aforesaid, That if any Person, who is or shall hereafter be imported or brought into this Government, as a Tradesman or other Workman on Wages, shall refuse or neglect to perform his Duty, or shall absent himself from his Master or Owner's Service without Leave, in every such Case it shall and may be lawful for the Justices of the County Court wherein such Master or Owner resides, upon Complaint and Proof to them made, to order such Satisfaction and Reparation to the Master or Owner of such Servant for the Damages sustained by him for such Refusal or Neglect, as to them shall seem just; and for every Day such Servant shall absent himself from his Master or Owner's Service as aforesaid, to order and direct such Servant to serve his or her said Master or Owner, two days for every Day's Absence, after his Time by Indenture or otherwise is expired, and that without any Wages to be paid for such Service.

XXII. And be it further Enacted, by the Authority aforesaid, That there shall be allowed to every Servant, whether by Indenture or Otherwise, not having Yearly Wages, at the Expiration of his or her Service, Three Pounds, Proclamation Money, besides one sufficient Suit of wearing Clothes for such Servant or Servants.

XXIII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons already have, or shall hereafter, import into this Government, and here sell or retain for his own Use as a Slave, any Person or Persons that shall have been free in any Christian Country, Island or Plantation, or Turk or Moor, in Amity with his Majesty, such Importer or Seller as aforesaid shall forfeit and pay to the Party, from whom the said free Person shall recover his or her Freedom double the Sum for which such free Person was sold; to be recovered in any Court of Record within this Government, according to the Course of Common Law, wherein the Defendant shall not be admitted to plead in Bar any Act or Statute for Limitations of Actions: And moreover, such Importer or Seller of any such free Person as aforesaid shall be committed until he enter into Bond before the said Court, with Two good and sufficient Sureties, in the Sum of Five Hundred Pounds, Sterling Money of Great Britain, payable to our Sovereign Lord the King, his Heirs and Successors with Condition, That he shall and do, within One Year next ensuing, transport and Land (Dangers of the Seas and Life only excepted) such free Person sold by him as a Slave as aforesaid (if he or she shall so require), in the Country, Island or Plantation from whence he or she was directly brought as aforesaid; and shall produce an authentic Certificate of his Performance thereof to the said Court.

XXIV. And be it further Enacted, by the Authority aforesaid, That each and every Justice of the Peace for the several Counties within this Government, are hereby impowered and directed, upon the Complaint of any Person who now is, or hereafter shall be, imported into this Government, and who was free in any Christian Country, Island or Plantation before his or her transportation thither, who is kept or sold as a Slave, to cause the pretended Owner of such Person Complaining, to appear before him, together with such Evidence or Evidences as shall be material; and after Examination taken in Writing, shall bind them over to appear at the next County Court of which he is a Member, where the said Complaint shall be heard and determined without any formal Process of Law.

XXV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, shall, directly or indirectly, at any Time after the Ratification of this Act, tempt or persuade any Apprentice or other Servant, during the Time of his or her Service due by Indenture or otherwise, or any Negro or other Slave, to leave their Master or Mistress' Service to whom he or they are Apprenticed Servant, or Slave, or shall knowingly give Encouragement to relieve, assist, harbour or entertain any such, or shall knowingly encourage, relieve, assist, harbour, entertain, for any Space of Time whatsoever, any Apprentice, Servant or Slave, who shall wilfully absent him or herself from the Service of his or her Master or Mistress, such Person or Persons so Offending shall forfeit and pay for each and every such Apprentice or other Servant, and for each and every Negro or other Slave, the sum of Forty Shillings, Proclamation Money, and for each Twelve Hours such Apprentice or other Servant, Negro or Slave be afterwards absent from his Master or Mistress' Service, the Sum of Five Shillings, Proclamation Money; to be recovered by the Master or Owner of such Apprentice, Servant or Slave, by Action of Debt, Bill, Plaint or Information, in the General or County Court, wherein no Essoign, Protection or Injunction shall

be allowed or admitted of; And if it should so happen that any Person or Persons, convicted Offenders herein, should not be able or refuse to pay the Fines by this Act inflicted, in such Case the Offender shall be, by Order of the General or County Court, sold as a Servant for such Time as the said Court shall think sufficient to pay the same; and shall be, during such Servitude, liable to the Penalties and Forfeitures inflicted for Breaches of this Act.

XXVI. And be it further Enacted, by the Authority aforesaid, That if any Person shall hire or contract himself to serve as an Overseer, either upon Wages or Share of the Produce, with any Person or Planter whatsoever within this Government, and shall absent himself or depart from the service of his Master or Mistress before the Time mentioned in his Agreement or Contract be expired he shall for such Offence forfeit his Right and Title to his Wages, or share of the Produce.

XXVII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever shall directly or indirectly, at any Time after the Ratification of this Act, tempt or persuade any Negro or Negroes, or other Slave or Slaves, to leave his, her or their Master or Mistress' Service, out of an Intent and Design to carry or convey away him, her or them out of this Government, or shall harbour or conceal him, her of them for that Intent and Purpose, and be thereof Convicted by his, her or their own Confession, or the Oath of One credible Witness, such Person or Persons shall, by the Two next Justices of the Peace, be committed to Gaol or bound over to the next Court to be held for the County where the Offence shall be committed, and shall be prosecuted by Indictment for the said Offence; and being thereof lawfully convicted, shall, by the said Court, be adjudged to pay to the Master or Mistress for each Negro or other Slave so enticed or persuaded for the Purpose aforesaid, the Sum of Twenty Five Pounds, Proclamation Money, or the Value thereof; to be levied by order of the said Court: But in Case the Party offending shall not be found worth Lands, Goods or Chattels to the Value aforesaid, then the said Court shall adjudge him, her or them to serve the Owner of such Slave or Slaves, or his Assigns, Five Years; and so deliver him, her or them over to the Master, Mistress or Owner of such Slave or Slaves, so tempted or persuaded as aforesaid, and make Record thereof: But if any Person or Persons shall so tempt and practice with any Negro or Negroes, or other Slave or Slaves, and him, her or them so tempted shall actually convey away, or send out of this Government, and be afterwards apprehended and convicted thereof, he, she or they shall, by the said Court, be severally adjudged and condemned as guilty of Felony, and shall suffer accordingly.

XXVIII. And for Encouragement of all Persons to take up Runaways, Be it enacted, by the Authority aforesaid, That for the taking up Servants or Slaves, if Ten Miles or under from the House or Quarter where such Servant or Slave was kept there shall be allowed by the Master, if known and residing in the County; if not, by the Public, as a Reward to the Taker-up, Seven Shillings and Six Pence, Proclamation Money, and for every Mile above Ten, Three Pence over and above the said Sum; which said several Rewards shall be paid by the Church Wardens of the Parish where such Taker-up shall reside, or where he shall bring such Runaway before a Justice of the Peace; and shall be levied again by the Church Wardens of the Parish, upon the said Master or Owner of such Runaway, for Reimbursement of the same to the Parish; and for the greater Certainty in paying the said Rewards and reimbursing the Parish, every Justice of the Peace before whom such Runaway shall be brought, upon the taking up, shall grant a

Certificate thereof, in which he shall mention the proper Name and Surname of the Taker-up, and the County of his or her Residence, together with the Time and Place of taking up said Runaway, and shall also mention the Name of the said Runaway, and the proper Name and Surname of the Master or Owner of such Runaway, and the County of his or her Residence, together with the Distance of Miles, in the said Justice's Judgment, from the Place of taking up the said Runaway to the House or Quarter where such Runaway was kept; upon producing which Certificate to the Church Wardens of the Parish where the same was granted, they shall pay to the Taker-up of such Runaway, or his Assigns, the Reward aforesaid; and shall levy the same again as aforesaid: But if it should happen That the Master or Owner of such Runaway should not reside or have Effects in the County where the said Certificate shall be granted by the Justice as aforesaid, the said Church Wardens shall transmit the said Certificate to the Sheriff of the County where the Owner of such Runaway resides, or hath Effects, who shall, upon Receipt thereof, immediately levy the same upon the Goods and Chattels of the Master or Owner of such Runaway, and return the same to the Church Wardens aforesaid, or their Order; any Law, Usage or Custom to the contrary notwithstanding.

XXIX. And be it further Enacted, by the Authority aforesaid, That if any Negro or other Person, who shall be taken up as a Runaway and brought before any Justice of the Peace, and cannot speak English, or through Obstinacy, will not declare the name of his or her Owner, such Justice shall in such Case, and he is hereby required, by a Warrant under his Hand, to commit the said Negro, Slave or Runaway to the Gaol of the County wherein he or she shall be taken up; and the Sheriff or Under-Sheriff of the County into whose Custody the said Runaway shall be committed, shall forthwith cause Notice, in Writing, of such Commitment to be set up on the Court-house Door of the said County, and there continued during the Space of Two Months; in which Notice a full description of the said Runaway and his Clothing shall be particularly set down; and shall cause a Copy of such Notice to be sent to the Clerk or Reader of each Church or Chappel within his County, who are hereby required to make Publication thereof, by setting up the same in some open and convenient Place, near the said Church or Chappel, on every Lord's Day for the Space of Two Months from the date thereof: And every Sheriff failing to give such Notice as is herein directed shall forfeit and pay Five Pounds, Proclamation Money; which said Forfeiture shall and may be recovered with costs in any Court of Record in this Government by Action of Debt, Bill, Plaint or Information, wherein no Essoign, Privilege, Protection, Injunction or Wager of Law shall be allowed: The One Moiety whereof shall be to the Church Wardens, for the Use of the Parish, as well as towards the defraying of the Charges that shall arise and become due by Virtue of this Act, and the other Moiety to the Person who shall sue for the same.

XXX. And be it further Enacted, by the Authority aforesaid, That if within the Space of Two Months the Owner of any such Negro, Slave or Runaway cannot be known, or doth not claim the same, that the Sheriff of the said County to whose Custody such Runaway shall be committed, shall cause the said Runaway to be delivered to the next Constable, to be by him delivered to the next Constable, and so from Constable to Constable, to the Public Gaol of this Government, after such Manner and to receive such Punishment as in this Act is mentioned and directed.

XXXI. And be it further Enacted, by the Authority aforesaid, That when any Negro or Runaway, as aforesaid, shall be delivered to the Keeper of the

Public Gaol of this Government by Virtue of this Act, and his or her Master or Owner cannot be known, it shall and may be lawful for the Keeper of the said Gaol, upon his application to the General Court, or the nearest County Court to the said Gaol, or to any Two Justices, out of the Court, with the Consent of either of the said Courts, or Two Justices, as aforesaid, to let the said Negro or Runaway to Hire, to any Person or Persons whom they shall approve of, for such Sum or Sums of Money, or Quantity of Commodities, and for such Term or Time, as they shall direct; and that out of the money or Commodities arising by such Hire, all Fees relating to the taking up, Imprisonment and conveying to Gaol and Charges of maintaining such Negro or Runaway, shall be first paid and discharged, and the Overplus, if any, disposed of as such Court who shall order the said Negro or Runaway to let out to Hire shall direct.

XXXII. Provided always, That when the Owner of such Negro or Runaway shall demand the same, the Person to whom such Negro or Runaway shall be let out to Hire shall forthwith deliver him or her into the Custody of the Keeper of the Public Gaol, and shall then also pay the Hire, in Proportion to the Time the said Runaway hath served; and the Keeper of the said Gaol shall deliver the said Runaway to his Master or Owner, he or she paying down all Fees and Charges of taking up, Imprisonment, conveying to Gaol, and maintaining such Runaway, in Case the Hire of the said Runaway be not sufficient to satisfy the same.

XXXIII. And be it further Enacted, by the Authority aforesaid, That when the Keeper of the said Public Gaol shall, by Direction of such Court as aforesaid, let out any Negro or Runaway to Hire to any Person or Persons whomsoever, the said Keeper shall, at the Time of his Delivery, cause an iron Collar to be put on the Neck of such Negro or Runaway with the Letters P. G. stamped thereon; and that thereafter the said Keeper shall not be answerable for the Escape of the said Negro or Runaway.

XXXIV. And be it further Enacted, by the Authority aforesaid, That when any Runaway Servant or Slave shall be brought before any Justice of the Peace within this Government such Justice shall, by his Warrant, Commit the said Runaway to the next Constable, and therein also order him to give the said Runaway so many lashes as the said Justice shall think fit, not exceeding the Number of Thirty Nine, well laid on, on the Bare back of such Runaway; and then to be conveyed from Constable to Constable, until the said Runaway shall be carried home, or to the Public Gaol, as aforesaid.

XXXV. And be it further Enacted, That every Constable shall, on his Receipt of such Runaway, give a Receipt for him or her; that every Constable failing to execute such Warrant, according to the Tenor thereof or refusing to give such Receipt, shall forfeit and pay Twenty Shillings, Proclamation Money, or the Value thereof in Bills, to the Church Wardens, for the Use of the Parish wherein such Failure shall be; to be recovered by a Warrant under the Hands of any Two Justices within the County where such Constable shall reside: And such Corporal Punishment shall not deprive the Master or Owner of any Runaway Servant of the other Satisfaction herein by this Act appointed to be had of such Servant, for his or her running away.

XXXVI. And be it further Enacted, by the Authority aforesaid, That if any Sheriff, under-Sheriff, or Constable shall set to work, employ or let out to Hire, without Order of Court as aforesaid, any Runaway Servant or Slave committed to the Custody of any of them, or shall detain such Runaway longer in his or their Custody than by this Act is directed, he or they so offending shall forfeit and pay Five Pounds, Proclamation Money; to be

recovered in any Court of Record in this Government by Action of Debt, Bill, Plaint or Information, wherein no Essoign, Protection, Privilege, or Wager of Law shall be allowed: One Moiety whereof, to be paid to the Church Wardens, for the Use of the Parish where the Offence shall be committed, and the other to him or them who shall sue for the same: And if any Sheriff, or his Under-Sheriff, or any Constable into whose Hands any Runaway Servant or Slave shall be committed by Virtue of this Act, shall negligently or wilfully suffer such Runaway to escape the said Sheriff, Under-Sheriff, or Constable, he or they shall be liable to the Action of the Party grieved for Recovery of his Damages at the Common Law with Costs.

XXXVII. And be it further Enacted, by the Authority aforesaid, That all and every the Constables within this Government, for their Encouragement to perform their Duty be, and they are hereby, for the future, exempted from the Payment of all Public, County and Parish Levies, for their own Persons, during their Continuance in Office; and that the Keepers of Ferries within this Government shall give immediate Passage to all Constables and their Assistants charged with conducting any Runaway or Runaways, either to the Public Gaol or to such Runaway or Runaways' Master or Owner, without charging such Constable or their Assistants for the Ferriage, either going or returning: But all such Ferriages of Constables and their Assistants shall be paid by the Church Wardens of the Parish where such Ferry-keepers respectively live, and levied, as aforesaid, upon the respective Masters or Owners of such Runaways.

XXXVIII. And be it further Enacted, by the Authority aforesaid, That from and after the Publication of this Act, the Fees and Allowances of the said Sheriffs and Gaolers be as followeth; That is to say, For the Commitment of every such Runaway or Negro to any County Gaol, the Sheriff shall be paid, for his Fee, the Sum of Two Shillings and Six Pence, Proclamation Money, and for the keeping and maintaining him or her in Gaol for every Twenty Four Hours, the Sum of Six Pence, and for his or her Releasement, the Sum of Two Shillings and Six Pence; and that the keeper of the Public Gaol of this Government, for the Commitment of every such negro or Runaway, shall be paid the Sum of Two Shillings and Six Pence, Proclamation Money, and for his or her keeping in Gaol, every Twenty Four Hours, the Sum of Six Pence, Proclamation Money, and for his or her Releasement, the Sum of Two Shillings and Six Pence, Proclamation Money, and no more. And if any Sheriff, in any County in this Government, or Keeper of the Public Gaol, shall demand or take any greater Fee or Allowance than is hereby before appointed and allowed for the Service and Maintenance aforesaid, or any of them, he or they so offending shall, for every Offence, forfeit and pay to the Party grieved, the sum of Twenty Shillings, Proclamation Money, and shall also refund and pay back to the Parties, such Sum of Money which such Sheriff or Gaoler shall receive and take, over and above the Fees and Allowances hereinbefore appointed; which aforesaid Forfeiture of Twenty Shillings shall and may be recovered by a Warrant from any Justice of the Peace of the County where such Offence shall be committed.

XXXIX. And be it further Enacted, by the Authority aforesaid, That when any Negro or other Runaway whose Owner is supposed to be resident in any other Province, shall be committed to any Public Gaol of This Government, The Keeper of the said Gaol shall, by the first Opportunity after such Commitment, send such Description of such Negro or Runaway, together with the Account of the Time of the Commitment and the County where such Runaway is committed, to the Press, to be advertised in the Virginia or

South Carolina Gazette; for which he shall be reimbursed by the Owner of the said Slave or Runaway.

XL. And be it further Enacted, by the Authority aforesaid, That no Slave shall go armed with Gun, Sword, Club or other Weapon, or shall keep any such Weapon, or shall Hunt or Range in the Woods, upon any pretence whatsoever (except such Slave or Slaves who shall have a Certificate, as is hereinafter provided), and if any Slave shall be found offending herein, it shall and may be lawful for any Person or Persons to seize and take, to his own Use, such Gun, Sword or other Weapon, and to apprehend and to deliver such Slave to the next Constable, who is enjoined and required, without further Order or Warrant, to give such Slave Twenty Lashes on his or her bare Back, and to send him or her home, and the Master or Owner of such Slave shall pay the taker-up of such armed Slave the same Reward as by this Act is allowed for taking up of Runaways.

XLI. Provided always, That nothing in this Act shall be construed or extended, to prohibit or debar any Master or Owner of any Slave or Slaves within this Government from employing any one Slave in each and every district Plantation, from hunting in the Woods on their Master's Lands with a Gun, to preserve his or her Stock, or to kill Game for his or her Family.

XLII. Provided Also, That such Master or Owner shall first deliver into the County Court an Account in Writing of the name of any such Slave to be employed as aforesaid, and the Chairman of the Court shall sign a Certificate that such Slave is allowed to carry a Gun, and hunt in the woods on his Master's or Mistress' Lands: And the Master, Mistress or Overseer of such Slave shall give him the said Certificate, which such Slave shall always carry about him, on Pain of being apprehended and punished as aforesaid: Anything hereinbefore contained to the contrary notwithstanding.

XLIII. And be it further Enacted, by the Authority aforesaid, That no Slave shall go from off the Plantation or Seat of Land where such Slave shall be appointed to live, without a Certificate of leave, in Writing for so doing, from his or her Master or Overseer (negroes wearing Liveries always excepted).

XLIV. And be it further Enacted, by the Authority aforesaid, That no slave shall be permitted, on any Pretence whatsoever, to raise any Horses, Cattle or Hogs; and all Horses, Cattle and Hogs that Six Months from the Date thereof, shall belong to any Slave, or of any Slave's Mark in this Government, shall be seized and sold by the Church Wardens of the Parish where such Horses, Cattle or Hogs shall be, and the Profit thereof be applied, One Half to the Use of the said Parish, and the other Half to the Informer.

XLV. And whereas many Times Slaves run away and lie out hid and lurking in the Swamps, Woods and other Obscure Places, killing Cattle and Hogs, and committing other Injuries to the Inhabitants in this Government: Be it therefore Enacted, by the Authority aforesaid, That in all such Cases, upon Intelligence of any Slave or Slaves lying out as aforesaid, any Two Justices of the Peace for the County wherein such Slave or Slaves is or are supposed to lurk to do Mischief, shall, and they are hereby impowered and required, to issue Proclamation against such Slave or Slaves (reciting his or their Name or Names, and the Name or Names of the Owner or Owners, if known), thereby requiring him or them, and every of them, forthwith to surrender him or themselves; and also, to impower and require the Sheriff of the said County to take such Power with him as he shall think fit and necessary for going in search and pursuit of and effectual apprehending such outlying Slave or Slaves; which Proclamation shall be published on a Sab-

bath Day, at the Door of every Church or Chappel, or for want of such, at the Place where Divine Service shall be performed in the said County, by the Parish Clerk or Reader, immediately after Divine Service: And if any Slave or Slaves against whom Proclamation hath been thus issued, stay out and do not immediately return home, it shall be lawful for any Person or Persons whatsoever to kill and destroy such Slave or Slaves by such Ways and Means as he or she shall think fit, without Accusation or Impeachment of any Crime for the same.

XLVI. Provided always, and it is further Enacted, That for every Slave killed in Pursuance of this Act, or put to Death by Law, the Master or Owner of such Slave shall be paid by the Public; and all Tryals of Slaves for Capital or other Crimes, shall be in the Manner and according as hereinafter is directed.

XLVII. And be it further Enacted, by the Authority aforesaid, That if any Number of Negroes or other Slaves, that is to say, Three or more, shall at any Time hereafter, consult, advise or conspire to rebell, or make insurrection, or shall plot or conspire the Murther of any Person or Persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed Felony; And the Slave or Slaves convicted thereof, in Manner hereafter directed, shall suffer Death.

XLVIII. And be it further Enacted, by the Authority aforesaid, That every Slave committing such Offence, or any other Crime or Misdemeanor, shall forthwith be committed, by any Justice of the Peace, to the Common Gaol of the County within which the said Offence shall be committed, there to be safely kept; and that the Sheriff of such County, upon such Commitment, shall forthwith Certify the same to any Justice in the Commission for the said Court, for the Time being, resident in the County, who is thereupon required and directed to issue a Summons for Two or more Justices of the said Court, and Four Freeholders, such as shall have Slaves in the said County; which said Three Justices, and Four Freeholder Owners of Slaves, are hereby impowered and required, upon Oath, to try all Manner of Crimes and Offences that shall be committed by any Slave or Slaves, at the Court-house of the County, and to take for Evidence the Confession of the Offender, the Oath of one or more credible Witnesses, or such Testimony of Negroes, Mulattoes or Indians, bond or free, with pregnant Circumstances, as to them shall seem convincing without the Solemnity of a Jury; and the Offender being then found guilty, to pass such Judgment upon such Offender, according to their Discretion, as the Nature of the Crime or Offence shall require; and on such Judgment, to award Execution.

XLIX. Provided always, and be it Enacted, That it shall and may be lawful for each and every Justice, being in the Commission of the Peace for the County where any Slave or Slaves shall be tried, by Virtue of this Act (who is Owner of Slaves), to set up such Tryal, and act as a Member of such Court, tho' he or they be not summoned thereto: Anything before herein contained to the Contrary, in any wise, notwithstanding.

L. And to the End such Negro, Mulatto or Indian, bond or free, not being Christians, as shall hereafter be produced as an Evidence on the Tryal of any Slave or Slaves for Capital or other Crimes, may be under the greater Obligation to declare the Truth; Be it further Enacted, That where any such Negro, Mulatto or Indian, bond or free, shall, upon due Proof made, or pregnant Circumstances, appearing before any County Court within this Government, be found to have given a False Testimony, every such Offender shall, without further Tryal, be ordered by the said Court to have one Ear nailed to the Pillory, and there stand for the Space of One Hour, and the said

Ear to be cut off, and thereafter the other Ear nailed in like manner, and cut off, at the Expiration of one other Hour; and moreover, to order every such Offender Thirty Nine Lashes well laid on, on his or her bare Back, at the common whipping Post.

LI. And be it further Enacted, by the Authority aforesaid, That at every such Tryal of Slaves committing Capital or other Offences, the first Person in Commission setting on such Tryal shall, before the Examination of every Negro, Mulatto, or Indian, not being a Christian, charge such to declare the Truth.

LII. Provided always, and it is hereby intended, That the Master, Owner or Overseer of any Slave, to be arraigned and tryed by Virtue of this Act, may appear at the Tryal and make what just Defence he can for such Slave or Slaves; so that such Defence do not relate to any Formality in the Proceeding on the Tryal.

LIII. And be it further Enacted, by the Authority aforesaid, That when any Slave shall be convicted Capitally by Virtue of this Act, the Justices and Freeholders that shall sit on such Tryals, shall put a Valuation, in Proclamation Money, upon such Slave so convicted, and certify under their Hands and Seals, such Valuation to the next Assembly; that the said Assembly may make suitable Allowance thereupon, to the Master or Owner of such Slave.

LIV. And be it further Enacted, by the Authority aforesaid, That if in the dispersing any unlawful Assemblies of rebel Slaves or Conspirators, or seizing the Arms and Ammunition of such as are prohibited by this Act to keep the same, or in apprehending Runaways, or in Correction by Order of the County Court, any Slave shall happen to be killed or destroyed, the Court of the County where such Slave shall be killed, upon Application of the Owner of such Slave, and due Proof thereof made, shall put a Valuation, in Proclamation Money, upon such Slave so killed, and certify such Valuation to the next Session of Assembly; that the said Assembly may make suitable Allowance thereupon, to the Master or Owner of such Slave.

LV. Provided always, and be it further Enacted, That nothing herein contained, shall be construed, deemed or taken, to defeat or bar the Action of any Person or Persons, whose Slave or Slaves shall happen to be killed by any other Person whosoever, contrary to the Directions and true Intent and Meaning of this Act; but that all and every Owner or Owners of such Slave or Slaves, shall and may bring his, her or their Action for Recovery of Damages for such Slave or Slaves so killed.

LVI. And be it further Enacted, by the Authority aforesaid, That no Negro or Mulatto Slaves shall be set free, upon any Pretence whatsoever, except for meritorious Services, to be adjudged and allowed of by the County Court, and Licence thereupon first had and obtained; And that where any Slave shall be set free by his or her Master or Owner, otherwise than is herein before directed, it shall and may be lawful for the Church Wardens of the Parish wherein such Negro, Mulatto or Indian shall be found, at the Expiration of Six Months, next after his or her being set free, and they are hereby authorized and required, to take up and sell the said Negro, Mulatto or Indian as a Slave, at the next Court to be held for the said County at Public Vendue; and the Monies arising by such Sale, shall be applied to the Use of the Parish, by the Vestry thereof; And if any Negro, Mulatto or Indian Slave, set free otherwise than is herein directed, shall depart this Province within Six Months next after his or her Freedom, and shall afterwards return into this Government, it shall and may be lawful for the Church Wardens of the Parish where such Negro or Mulatto shall be found, at the Expiration of one

Month, next after his or her return into this Government, to take up such Negro or Mulatto, and sell him or them, as Slaves, at the next Court to be held for the County, at Public Vendue; and the Monies arising thereby, to be applied, by the Vestry, to the Use of the Parish, as aforesaid.

LVII. And be it further Enacted, by the Authority aforesaid, That until this Act shall be printed, it shall be publicly read, Yearly, and every Year, Two several Times in the year, in every County within this Government, by the Clerk of each County, in open Court, that is to say, at the Courts in or next to the Months of April and September; under the Penalty of Twenty Shillings, Proclamation Money, for every such Omission and Neglect; to be levied by a Warrant from any Justice of the Peace, and applied to the Use of the Parish where the Offence shall be committed: And the Church Wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

LVIII. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, so far as relates to Servants and Slaves, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

William Smith, President.

JOHN HODGSON, Speaker.

LAWS OF NORTH CAROLINA, 1741.

At a General Assembly, held at Wilmington, in the Year of our Lord One Thousand Seven Hundred and Forty One. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act for erecting the upper Part of Bertie County into a County, by the Name of Northampton County; and for regulating the Limits between Society Parish and Northwest Parish of Bertie; and for removing the Seat of Bertie County Court.

I. Whereas the County of Bertie is very extensive, and its Inhabitants more numerous than any County in this Province; which renders the Public Business of the said County very difficult to be transacted: For Remedy whereof:

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, And it is hereby Enacted, by the Authority of the same, That that Part of Bertie County which lieth North and West of Sandy Run, and in a direct Line from the Head of the said Run, to the Head of the Beaver Dam Swamp, and down the said Swamp and Meherrin Creek and River be, and is hereby erected into a County, by the Name of Northampton County; and that the said Bounds shall, henceforward, be the Limits between Society Parish and the Northwest Parish of Bertie.

III. And be it further Enacted, by the Authority aforesaid, That from and after the Passing of this Act, the said County of Northampton shall be invested with as full and ample Powers, Privileges, Advantages and Immunities as any other County in this Province, saving only, that the said County shall send to all Assemblies, after the Dissolution of this present Assembly, Two Representatives, and no more.

IV. And be it further Enacted, by the Authority aforesaid, that Bertie County shall, in all future General Assemblies which shall be held after the Dissolution of the present Assembly, choose and send to the General Assembly, three Representatives, and no more.

V. And be it further Enacted, by the Authority aforesaid, That the present Representatives who have been sent by Bertie County, shall, for and during the Continuance of this present General Assembly, sit and vote as the Representatives of Bertie and Northampton Counties.

VI. And be it further Enacted, by the Authority aforesaid, That the Court of the said County of Northampton shall be holden on the Fourth Tuesdays of the Months of November, February, May and August, annually: Which said Court, at their First Term or Session, shall recommend to his Excellency the Governor, proper Persons to execute the respective Offices of Clerk and Sheriff of the said County, according to Law.

VII. And be it further Enacted, by the Authority aforesaid, That the said Court shall, at the Charge of the said County, in their First or Second Term or Session, make Orders and Rules, agreeable to the Laws of this

Province, for erecting a sufficient Court-house,*Prison, and Stocks, near the upper Pottakasey Bridges, as the said Court shall deem necessary.

VIII. And be it further Enacted, by the Authority aforesaid, That the Court of Bertie County shall, at the Charge of their County, on the first or second Term or Session, next after the passing of this Act, make Orders and Rules for erecting a sufficient Court-house, Prison and Stocks, at such Place as to them shall seem most convenient; and the levy lately laid by the Court of Bertie, for building a Gaol, shall be appropriated for the Uses aforesaid, in the County in which the Tithables are resident; and the County of Northampton shall pay a proportion of County Taxes with Bertie, to be laid to discharge all Arrears which the said County of Bertie is now in, for building their several Warehouses and paying the Wages of their several Inspectors, and of running the said Line: And that the Levy on the North-west Parish of Bertie, already laid, shall be paid and accounted for to their Vestry.

IX.. Provided always, That nothing in this Act shall be construed to extend to alter or vacate any Judgment or Judgments already had or obtained, or any Suit already commenced in the Court of Bertie County, but that the said Court may proceed, as usual, to Judgment and Execution thereof.

CHAPTER II.

An Act to establish Ports, or Places of Delivery of Merchandizes imported in, and exported out of this Province; and to prevent the clandestine running of unaccustomed and prohibited Goods, in the several Ports thereof.

(Omitted.)

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

Nathaniel Rice, President.

JOHN HODGSON, Speaker.

LAWS OF NORTH CAROLINA, 1743.

At a General Assembly, held at Edenton, the Second Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Three. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote in the said Elections, or be elected a Member of the General Assembly for any of the said Counties, and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

I. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, the Sheriffs of the several and respective Counties in this Province shall, at all Elections hereafter to be made in their several and respective Counties, for Members to sit in General Assembly, take the votes of the Freeholders qualified to vote, in Manner following; that is to say: Each and every Sheriff of the several Counties, shall at the day appointed for choosing Members of Assembly, come to the Place by Law appointed for holding such Election in his County, provide with a small Box, with a Lid or Cover, having a Hole in it not exceeding Half an inch in diameter; which said Cover shall be sealed and secured on the Box, in the Presence of the Inspectors Chosen, as in this Act is hereafter directed, to see the Poll fairly and impartially taken; which being done, the Sheriff shall, at or before Ten of the Clock in the Forenoon, open the Poll, by making Proclamation Three Times, for such Persons as are qualified to vote, to come and give in their Votes, by Ballot; and after the Poll is so opened the Sheriff shall attend the same and keep the Poll opened till One of the Clock in the Afternoon, at which time it shall be lawful for him to adjourn the Poll to Half an Hour after Two of the Clock, the Hole in the Box being first sealed, in Presence of the Sheriff, Inspectors and such Candidates as will attend to see the same, and then shall again open the Poll, as at first, and keep the same open, and attend the taking the Votes, as aforesaid, until Sunset, and no longer, without it shall be agreed by all the Candidates to have it closed sooner.

II. And be it further Enacted, by the Authority aforesaid, That every Persons qualified to vote, shall give to the Sheriff, in Presence of the Inspectors, a Scroll of Paper, rolled up, with the Name or Names of the Person or Persons he votes for, written therein; which Scroll shall be immediately, by the Sheriff, put into the Box, in the Presence of the Inspectors, and at the same time the Sheriff, and also each of the Inspectors, shall take a List, in Writing of the Persons Name so Voting: And when every Person attending at the Place of Election, shall have voted, as before mentioned, or that the Sun shall be set, the Sheriff shall conclude the Poll, and, in the Presence of the Inspectors, and such of the Candidates as will attend, open the Boxes,

and take out the Scrolls, One by One, and read the Name or Names of the Candidate or Candidates written in each Scroll, and an exact Account shall be taken, by each Inspector, from the said Scrolls, of the Number of Votes for each Candidate; and if there shall be Two Scrolls rolled together and put into the Box in the Room and Place of one, or if any Scroll contains the Names of more Candidates than shall be lawful for the County to choose, such Scroll or Scrolls shall be cast away, as useless and Void: And when the Votes have been all taken out and examined, as aforesaid, whatsoever Candidate or Candidates shall appear to have most Votes, the Sheriff or Under Sheriff shall return him or them Burgess or Burgesses; or if Two or More Candidates shall have an equal Number of Votes, the Sheriff or Under Sheriff, being a Freeholder, shall and may return which of them he thinks fit; in which Case only, the said Sheriff, or Under Sheriff, is allowed to vote.

III. And be it further Enacted, by the Authority aforesaid, That the Inspectors aforesaid shall be nominated and appointed by the Candidates; but in Case of the Neglect or Refusal of the Candidates, the Sheriff, or Under Sheriff, of the County, shall nominate and appoint the said Inspectors: And every Freeholder, before he is admitted to Poll, or give in his vote, as aforesaid, at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the following Oath; (which Oath the Sheriff or Under Sheriff, is hereby impowered and directed to administer,) towit:

You shall swear, That you have been possessed of, a Freehold, of Fifty Acres of Land, for Three Months Past, in your own Right, in the County of ——— and have been Six Months an Inhabitant of this Province; and that you have not given in your Vote before in this Election. So help you God.

IV. And for the Prevention of Disputes which may hereafter arise in Election of Burgesses, concerning who shall be understood to be a Freeholder; Be it Enacted, by the Authority aforesaid, That every Person who hath an Estate, Real, for his own Life, or the Life of another, or any estate of greater Dignity, of a sufficient Number of Acres, in the County which by this Law enables him to vote, or be a Candidate for such County, shall be accounted a Freeholder, within the Meaning of this Act.

V. And be it further Enacted, by the Authority aforesaid, That no Person hereafter, shall be admitted to give his Vote in any Election of Burgesses, in any County within this Province, unless he hath been an Inhabitant of this Province Six Months, and hath been possessed of a Freehold, within the Meaning of this Act, of Fifty Acres of Land at least Three Months before he offers to give his Vote, and is also of the full Age of Twenty One Years: And that hereafter no Person shall be deemed qualified or admitted to sit and vote in the General Assembly, unless he hath been One Full year an Inhabitant of this Province, and possessed of a Freehold, within the Meaning of this Act, of at least One Hundred Acres of Land, in the County where he shall be elected or chosen, and is also of the full Age of Twenty One Years, at the Time he is Chosen.

VI. And be it further Enacted, by the Authority aforesaid, That after the Publication of Writs, and Time and Place for Election of Burgesses, as aforesaid, every Freeholder, within the Intent and Meaning of this Act, within the County where the Election is to be made, respectively, may appear accordingly, and give his Vote, by Ballot, at such Election: And if any Person shall give his Vote at any Election who is not a Freeholder within the Meaning of this Act, or shall vote twice at the same Election, such

Person shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that will inform or sue for the same; to be recovered with Costs of Suit, in any Court of Record in this Province, by Bill, Plaint,, or Information, or Action of Debt, wherein no Essoign, Protection, Priviledge, or Injunction, shall be allowed of.

VII. And be it further Enacted, by the Authority aforesaid, That where any Suit shall be brought against any Person for Voting, not being a Freeholder, the Onus Probandi shall lie on the Defendant.

VIII. And be it further Enacted, by the Authority aforesaid, That no Person or Persons, hereafter to be Elected to serve in the General Assembly for any County or Town within this Province, after the Test, or issuing or Ordering of the Writ or Writs of Election, shall or do by himself or themselves, or by any other Ways or Means, in his or her behalf, or at his or their Charge, before his or their Election to serve in General Assembly for any County or Town within this Province, either directly or indirectly, give, present, or allow, to any Person or Persons having Voice or Vote in such Election, any Money, Gift or Reward, or Present, or make any Promise to do the same, to or for him or themselves, or for any such Person or Persons in particular, or to any such County or Town in General, in Order to be Elected to serve in the General Assembly for any such County or Town; and that all and every Person or Persons so offending, and being guilty herein, after proof made thereof to the House, shall be disabled and incapacitated, upon such Election, to serve in the General Assembly for such County or Town during the Continuance of that Assembly.

IX. And be it further Enacted, That if at any Time any Candidate, or other Person in his behalf, shall desire a Copy of the Poll, the Sheriff, or Under Sheriff, who Manages the Election, as soon as may be, shall cause a fair Copy thereof to be made, and shall deliver it, attested with his own Hand, unto such Candidate or other Person as shall require the same, as aforesaid.

X. And be it further Enacted, by the Authority aforesaid, That if the Sheriff of any County, or in his absence, the Under Sheriff, shall refuse to take the Poll, or shall take it, in any other Manner than is herein directed, or shall refuse or neglect to give a Copy of the Poll, as aforesaid, or shall not regularly, and in Time, return the Writ of Election, or shall make a false return thereof, every such Sheriff or Under Sheriff, as aforesaid, offending herein, or in any of these cases respectively, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; one Moiety to his Majesty, his Heirs and successors, for and towards defraying the Contingent Charges of this Government, and the other Moiety thereof to him or them that will inform and sue for the same; to be recovered, with Costs, in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Protection, Injunction, Privilege or Wager of Law shall be allowed.

XI. And be it further Enacted, by the Authority aforesaid, That hereafter, the Election in the several Towns in this Province of a Burgess, to sit in General Assembly, shall be by ballot in the same Manner as is directed for the several Counties in the same.

XII. And be it further Enacted, That all and every other Act and Acts, and every other Clause and Article thereof, heretofore made, so far as relates to the regulating Election of Burgesses for the several Counties in this Province, or the Method of taking the Poll in the several Towns thereof, for a Burgess, to sit and vote in General Assembly, is and are hereby

repealed and made void, to all Intent and Purposes, as if the same had never been made.

CHAPTER II.

An Act for Obtaining an exact List of Taxables, and for the effectual Collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.

I. Whereas it appears, by the lists of Taxables delivered in by the Sheriff and other Officers, from the several and respective Counties of this Province, as well as by many Informations by the said officers, and other Inhabitants of this Province, that a full and compleat List has never yet been obtained, by any Laws now in Force: And whereas the equal Payment of Taxes is of great Consequence: Therefore,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the passing of this Act, the obtaining of such List shall be in the following Manner, any Law, Usage, or Custom, to the contrary, notwithstanding, that is to say, That the Justices of each County shall, at the next Court to be held for their respective Counties after the first Day of May next, and so yearly, issue their Warrant, signed by the Chairman, directed to the Constable in each and every District in their respective Counties, authorizing and commanding him to go from House to House, in his District, and summon the Master or Mistress of every Family, or the Overseer of every Plantation, of which there is no master or Mistress, within his District, to appear, and they are hereby required to appear, before the then next Court to be held for the County, or before some Justice for that County, preceding the Time of holding the then next Court, and there to give in, upon Oath, a List, in Writing, of all the Taxables in his or her Family, as a Master, or Mistress, or under his Care as an Overseer; and the Constable shall likewise give in a List, upon Oath, to the said County Court, of all such Persons so warned, and the said List shall contain all the Masters and Mistresses of Families, and Overseers of Plantations, within his District.

III. And be it further Enacted, by the Authority aforesaid, That each Constable neglecting to summon the Master, Mistress or Overseer, as aforesaid, or neglecting to return such List, as is herein before directed, shall forfeit and pay Forty Shillings, Proclamation Money, for each and every Neglect; and the Masters, Mistresses, or Overseers, being summoned, and neglecting to appear and give, in a List of their Taxables as aforesaid, on or before the last day of Court hereby appointed for that Purpose, shall forfeit Forty Shillings, Proclamation Money, over and above Twenty Shillings like Money, for every Month he or she shall be a Delinquent, after the last Day of the Court, as aforesaid.

IV. And be it further Enacted, That every Justice to whom any such List of Taxables shall be given, pursuant to this Act, shall return the same to the Clerk, on or before the Time of holding the Court to which the said Lists are hereby returnable; under the Penalty of Five Pounds, Proclamation Money.

V. And be it further Enacted, by the Authority aforesaid, That all the Penalties of this Act, the Recovery and Application of which is not other

wise directed, shall be recovered, in any Court of Record, by Action of Debt, Bill, Plaint, or Information, or by a Warrant before one or two Justices of the Peace, according as the same may be cognizable; and applied, one Half to the Informer, and the other Half to be paid to the Justices, for the Use of the County where the same is recovered.

VI. And to the End that all Arrears of Taxes may be collected be it Enacted, by the Authority aforesaid, That every present, as well as former Sheriffs, of each and every County in this Province, who hath not fully collected the several and respective Taxes which, by Law, he ought to have collected for several Years last past, shall make a true and exact List of all the Persons within his County from whom he hath received any Tax, the Number of Tithables, and the Money received, and for what Year particularly, and make Oath, before some Magistrate of the County, that the said List or Accompt is true and just, and shall deliver the same to the Sheriff then next succeeding after the Ratification of this Act, on or before the first Day of July next, under the Penalty of Forty Pounds, Proclamation Money, to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, Wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of, by the Sheriff to whom such List is to be delivered; or in Default of the Sheriff prosecuting the same in Two Months after the said First Day of July, by any Person who will sue for the same, One Half of such Forfeitures to be to such Sheriff, or such Person who sues for the same, and the other half to and for the contingent charges of the County.

VII. And be it further Enacted, by the Authority aforesaid, That the several Sheriffs, in their several Counties, shall have Power to collect all Arrears of Taxes, due for the several Years last Past, from any Persons whatsoever, immediately after passing of this Act, and until the first Day of December next following; and shall put up Notice, from Time to Time, at what convenient Place, and when they will attend, for such Persons to bring their Taxes then in Arrear and due; and on Refusal or Neglect of any Person or Persons to pay the same, at the Times and Places appointed, the said Sheriffs, and every of them, within their respective Counties, shall make Distress, for such Levies in Arrear, on such Person or Persons so refusing or neglecting, at any Time on or before the said first Day of December next; and for each particular Distress, each Sheriff shall be severally allowed Two Shillings and Eight Pence, Proclamation Money, to be paid by the Party on whom such Distress shall be made.

VIII. And be it further Enacted, by the Authority aforesaid, That each respective Sheriff shall accompt, on Oath, for such arrears of Taxes as he shall receive, with such Person or Persons as by the Laws of this Province he ought, on or before the first Day of January next, and make good Deficiencies, under the Penalty of Fifty Pounds, Proclamation Money, to be recovered in the General Court of this Province, by Action of Debt, Bill, Plaint or Information, by the Treasurer, or other Person to whom such Sheriff ought to have accounted and paid the same: One half to such Treasurer, or other Person to whom the Money arising by such Tax was payable by the said Sheriff, and the other Half to be applied, by the said Treasurer, or other Person, to the Use such Tax was intended.

IX. And be it further Enacted, by the Authority aforesaid, That no Sheriff shall be obliged to account for any Taxes, for the future due and collected by him, with any Person or Persons to whom, by Law, he is accountable, until the first Day of June, Yearly, and then next immediately following the Time of his attendance at the Warehouses in the County, to

receive such Taxes, when he shall accompt with, and pay to the Persons he is or shall be by Law required, the Taxes due for every Tithable in his County, in Manner aforesaid.

X. And for the Encouragement of Sheriffs to do their Duty, and to reimburse them in Case they shall not fully collect the several Taxes in their respective Counties by the said first day of June, Yearly, the said Sheriffs respectively, in their several Counties, shall have Power to make Distress for such Taxes as shall not be paid, in Manner as is herein before directed, from the Expiration of the Time of their Attendance at the Warehouses, for and during, and until the full End and Term of Two Years, then next following whether their Commission, or Appointment as Sheriff, shall be determined or not, or for a Shorter Time, until they have received the Taxes from each respective Tithable in their Counties; and the said Sheriff shall receive Six per cent. as well for collecting all Arrears of Taxes, as all other Taxes, for the future due and payable; any Law, Usage, or Custom, to the contrary, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That for the future, no Double Distress shall be made, for Non-Payment of Taxes; any Law, Usage, or Custom, to the contrary, notwithstanding.

XII. And be it also further Enacted, That every Clause, Matter or Thing, contained in any Act or Acts heretofore made, so far as relate to any Matter or Thing herein contained, and not by this Act referred to, shall be repealed, and made null and void, to all Intents and Purposes, whatsoever.

CHAPTER III.

An Act to empower the Justices of Beaufort County to build two substantial Warehouses, at the Places hereafter mentioned, in the said County, for the Use and Convenience of the Inhabitants paying their Taxes and Levies.

I. Whereas the County of Beaufort being so large and extensive, that one Warehouse is not sufficient nor convenient for the said County to bring their Commodities to, in Discharge of Levies and Taxes:

II. We therefore Pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices shall, at the Second Court to be held for the said County, after the Ratification of this Act, lay a levy upon the Inhabitants of the said County not exceeding Six Pence, Proclamation Money, per Tithable, for defraying the building or hiring two substantial Warehouses, at the several Places hereafter mentioned, within the County, for the safe keeping of all Commodities paid in Discharge of Levies and Taxes already laid, and hereafter to be laid; And in Case the said Justices shall refuse or neglect so to do, each Justice so refusing or neglecting, shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to be recovered, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, by him or them, who will sue for the same; to be applied, one Half to such Prosecutor, and the other Half towards building the said Warehouses: One of which Warehouses shall be built at Bath Town, and the other at the Red-Banks.

III. And whereas the present Warehouse at Core-point, is found to be very inconvenient to the Inhabitants of the said County; It is therefore further

Enacted, That the Justices of the said County of Beaufort shall, and they are hereby impowered, to take, sell, or carry away, all or any Part of the said Warehouse, and apply the same to the Use of building the afore-mentioned Warehouses, at Bath-town and Red Banks.

IV. And be it further Enacted, by the Authority aforesaid, That the Inspectors already appointed by the Court, or who shall hereafter be appointed, shall attend at the said Warehouses, and no other Places, and be under the same Restrictions as is directed by an Act, intituled, An Act, for granting an Aid to his Majesty, and other Purposes therein mentioned.

CHAPTER IV.

An Act to ascertain what Attornies' Fees shall be taxed and allowed, in any Suit of Action, brought in any of the Courts of Record in this Province.

I. Whereas there is no Fee, by Law, allowed to be Taxed in any Bill of Costs, sufficient to compensate any Attorney for his trouble, for prosecuting or defending any Suit or Cause, in any of the Courts of this Province:

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and a General Assembly of this Province, and by the Authority of the same That from and after the Ratification of this Act, the several and respective Attornies Fees hereinafter mentioned, shall be Taxed and allowed in the Courts following; that is to say, in the General Court, on any Action brought, or Suit commenced there, or by Petition, Thirty Shillings, Proclamation Money: In the County Courts, on any Action brought, or suit commenced there, or by Petition, Fifteen Shillings, Proclamation Money.

III. And to the End that such Fees be received and paid to whom the same shall be due, Be it Enacted, by the Authority aforesaid, That upon Dismission of any Suit, Verdict for the Plaintiff or Defendant, or that the Plaintiff shall become Non-Suit, or the Suit otherwise discontinued, the Clerk of each and every of the said several and respective Courts, shall insert an Attorney's Fee in the Bill of Costs taxed in the said Cause, and shall cause the same to be levied as other Fees, and paid to the Parties who have a Right to receive the same.

IV. Provided always, That the Fees above mentioned, for Suits commenced, as aforesaid, in the County Courts, shall not be allowed or Taxed on Appeals, brought from any Justice or Justices, in the said Courts, on the Law for Tryal of small and Mean Causes.

V. And be it further Enacted, by the Authority aforesaid, That if any practicing Attorney in any Court of Record in this Province, shall neglect to perform his Duty in any Action in which he shall be retained, or commit any fraudulent Practice, such Attorney shall be liable to an Action on the Case at Common Law, in the General or County Court in this Province, to the Party Injured; and on the Verdict passing against him, Judgment shall be given, by the said Court, for the Plaintiff, to recover Double Damages, with Costs of Suit.

CHAPTER V.

An Act for providing proper Magazines of Ammunition in the several Counties of this Province, and for defraying the Charge thereof. Obs.

(Omitted.)

CHAPTER VI.

An Act for making and clearing a Highway from Edenton, into the Road leading over Mr. Hoskin's Mill-Dam, towards Pequimons Court-house, and for erecting Bridges in such Road, and also another Gate at Edenton.

I. Whereas for want of a Convenient Road from Edenton to the said Court-house, and the lower Counties, Persons travelling to and from the same, are put to great difficulty: for Remedy whereof,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That a Road, leading from Edenton to Mr. William Hoskin's Mill-Dam be laid out, from the second Cross-street above Mr. Gale's in the Most convenient Manner that may be, for the use of the Inhabitants below the said Town, and with as little Injury as may be to any private Person's property, by a Jury of the following Persons, upon Oath, viz.: Thomas Pierce, Jacob Butler, Joseph Ming, Nathaniel Ming, William Benbury, John Halsay, John Benbury, John Blount, John Vail, John Hull, John Harlow, John Taylor, William Hoskins, Luke Gregory, William Lewice, William Luten, Orlando Champion, and George Lysle, or any Twelve of them; which Road, when laid out, made and cleared, shall and is hereby declared to be a Public Road, and to be maintained by the Company that now work on the Road that leads from the Town Gate, to the aforesaid Mill-Dam.

III. And be it further Enacted, by the Authority aforesaid, That if the said Road should be carried through the lands of any Person or Persons, to their Prejudice or Injury, that then, and in such Case, it shall and may be lawful for the aforesaid Jury, to assess the Damages done such Person or Persons, and an Account of the same, to return to the next succeeding County Court, which shall be held for the County of Chowan, after such Assessment, and the Justices of the said County Court are hereby impowered and directed, to lay a Levy on all the Taxable Persons in the County aforesaid, sufficient to satisfy and pay such Damage or Damages so assessed, as also for building a bridge or Bridges, and erecting a Gate on the Line between the said Town and County: Which Levy the Sheriff of the said County is hereby directed and required to collect, agreeable to the Directions of the Justices of the said County Court, under the Penalty of Five Pounds, Proclamation Money, and when Collected, to account, upon Oath, and pay the same to the aforesaid Justices, for the Purposes aforesaid, first deducting Five Per cent. for his trouble, in collecting the same.

IV. And be it further Enacted, by the Authority aforesaid, That if any Surplus shall remain, after paying the said Damages, and defraying the said Charges of building the said Bridge or Bridges, and Gate, the same shall be applied by the Justices, in the same Manner as other County Taxes are applied.

V. And be it further Enacted, by the Authority aforesaid, That the Justices aforesaid, are hereby impowered to contract and agree with able and skilful Workmen, to build a Bridge or Bridges, wherever it may be found necessary, over any Branches or Creeks in the said Road, as also to erect a Gate on the said Road, on the Line between the Town and the County; and any Person or Persons by them employed, shall have Liberty to cut down any Timber Trees, on any of the adjacent Lands, for the use of building the said Bridge or Bridges, and for erecting the said Gate.

VI. And be it further Enacted, by the Authority aforesaid, That the present Road, leading from the Town Gate to Hoskin's Mill-Dam, be, and is hereby stopt up, and all Persons are hereby exempt from working on the same.

CHAPTER VII.

An Act, for erecting a Court House, Prison, and Stocks, in Bertie County and for laying a Tax upon the Inhabitants of the said County for defraying the Charge thereof.

I. Whereas great Disputes have arisen in the County of Bertie, concerning the Place whereon the Court-house, Prison and Stocks, should be erected in the said County, by Reason whereof, they have not hitherto been built: Therefore, to ascertain the Place whereon the same shall be built, and to prevent Delays for the future.

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Court-house, Prison and Stocks, of Bertie County, shall be built between Cusby Bridge and Will's Quarter Bridge, in the said County, and that all Courts shall be there held for the said County, after the same shall be built, any law, Custom, Usage, or Order of Court, to the contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County, or a Majority of them, are hereby impowered and required, at the next Court that shall be held for the said County, after the passing of this Act, to purchase, of the Owner, One Acre of Land, in Fee-simple, between the said Bridges, for the Use of the Public, whereon to build the said Court-house, Prison and Stocks; and shall also contract with, or impower other Persons, as they shall think proper, to contract with and employ workmen, for building and erecting the same thereon.

IV. And for defraying the Expences thereof, Be it further Enacted, by the Authority aforesaid, That the said Justices, or a Majority of them, are hereby impowered and required, to lay a Tax on the Inhabitants of the said County, not exceeding Two Shillings and Six Pence, Proclamation Money, for One Year per Tithable, for the Purposes aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the said County of Bertie, shall, and he is hereby required, to collect the aforesaid Tax, at the Time, and in the Manner that the Public Taxes are by Law to be collected, and pay the same to the Justices of the said Court, to be by them applied to paying the Workmen for building the said Court-house, Prison and Stocks; and also, to pay the Consideration Money for the One Acre of Land, hereinbefore directed to be by them, the said Justices, purchased.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Contract or Contracts heretofore made, by Virtue of any Order of the Court of Bertie, concerning the erecting a Court-house, Prison and Stocks, at or near Stony Creek, is and are hereby annulled and made void, and all Persons concerned therein, shall and are hereby discharged from performing the same, or any Part thereof.

VII. Provided nevertheless, That if any Person, by Virtue of an Agreement with the said Justices heretofore made, hath collected any Materials or done any Work towards the building of a Court-house, Prison and Stocks,

at or near Stony Creek, the said Materials or work so done, shall be valued by Two Freeholders of the said County, one to be chosen by the said Justices, and the other by the Party Collecting such Materials, or doing such Work; and the Money such Materials or Work shall be valued at shall be paid out of the Tax to be raised by Virtue of this Act.

VIII. And be it further Enacted, by the Authority aforesaid, That in Case any Money has been collected by the Sheriff of the said County, from any Person or Persons, in Consequence of any Order of Court heretofore made, the same shall be paid, by the Sheriff who collected the same, to the Justices of Bertie County aforesaid, for and towards defraying the Expence of building the said Court-house, Prison and Stocks; and any Person or Persons who has already paid any money to the Sheriff, in Consequence of any Order of Court, made as aforesaid, shall be allowed the same, in Discount of any Tax he shall be liable to by Virtue of this Act; anything herein contained to the contrary, notwithstanding.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,

Nathaniel Rice, President,

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1745.

At a General Assembly held at New Bern the Twentieth Day of April, in the Year of Our Lord One Thousand Seven Hundred and Forty Five.

CHAPTER I.

An Act, for laying a Tax for sinking the new Current Bills of Credit.
(Repealed 1843, ch. 10, and omitted.)

CHAPTER II.

An additional Act to an Act, intituled, An Act, for appointing Sheriffs in the Room of Marshalls of this Province, for prescribing the Method of appointing them, and limiting the Time of their Continuance in Office, and Directing their Duty therein; and for abolishing the Office of Provost-Marshall of this Province; and for altering the Names of the Precincts into Counties.

I. Whereas the Sheriffs appointed and commissioned, are, by the said Act, impowered to continue in their office but Two Years, and the County Courts were thereby directed, at the first Court that should be held in each and every County, next after the Ratification of the said Act, and so successively at the said Courts every Two Years, to recommend to the Governor or Commander in Chief for the Time being, Three such Persons, being Justices in the same County Court, as they should think fit and able, to execute the Office of Sheriff for their respective Counties, for the Two then next succeeding Years; by Means whereof, it frequently happens in several of the Counties of this Province, that the Power of the Sheriffs expires before the sitting of the Courts which are to recommend to the Governor other Persons to be appointed in their Room, whereby the said Office often becomes vacant, to the great Detriment of the Public.

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices of every respective County shall at the County Court next before the Expiration of the Sheriff's Commission, or time of serving in his Office, recommend Three Persons to the Governor, in Order for his appointing one of them to execute that Office, according to the Directions of the said recited Act; and that each respective Sheriff of every County within this Province, now or hereafter to be commissioned, shall hold and enjoy his Office 'til such such Time as the succeeding Sheriff shall be duly commissioned and qualified; and that all process served and executed by him during that Time, shall be valid in Law, and deemed duly executed: Any Law, Usage, or Custom, to the contrary, notwithstanding.

III. And whereas by the said Act, the Courts of the several Counties are confined to recommend only Persons who are Justices, to be appointed Sheriffs, and they often chusing to pay their Fines rather than act in the said Office, it is very difficult, in several Counties, to get any Person to recommend that will accept the said Office; Be it therefore Enacted, That

the Justices of every County, At the Times they are by Law impowered to recommend Persons to be appointed Sheriffs, shall not be obliged to recommend such Persons who are Justices only in the County, but may recommend any other Person resident in their County (except the Members of his Majesty's Council, and Members of the General Assembly, during the Time they are such,) 'whom they shall think well qualified for the said Office; and any such Person so recommended, may be commissioned, by the Governor or Commander in Chief for the Time being, to act as Sheriff of the County for which he is recommended; any Thing in the said Act, or any other Act, contained to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That every Person hereafter nominated or Commissioned Sheriff, by Virtue of this Act, shall be under the same Restrictions, and liable to the same Penalties, for refusing to act in the said Office, or for any neglect of his Duty therein, as if he had been recommended and commissioned according to the Directions of the before recited Act.

CHAPTER III.

An additional Act to an Act, intituled an Act, to prevent killing Deer at Unreasonable Times, and for putting a stop to many Abuses committed by White Persons, under pretence of hunting.

I. Whereas by the before recited Act, it is among other Things, Enacted, That it shall not be lawful for any Person to kill or destroy any Deer, running Wild in the Woods or unfenced Grounds in this Government, by Guns, or any other Ways or Means whatsoever, between the Fifteenth Day of February, and the Fifteenth Day of July, Yearly, and in each Year, after the Ratification of the said Act; and that any Person Convicted of the same, shall forfeit and pay the Sum of Five Pounds, Current Money: And whereas it appears, that the allowing Liberty of killing Deer in fenced Grounds and Inclosures at such Seasons, has given Room to several Persons to evade the said Law:

II. We therefore pray that it may be Enacted, and be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That if any Person shall be convicted of killing Deer, or having Venison, or a green Deer-skin or Skins, in his House, Camp, or Possession, between the Fifteenth Day of February, and the Fifteenth Day of July, Yearly, after the Ratification of this Act, he shall forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered and applied as herein after is directed.

III. Provided nevertheless, That nothing in this Act shall be construed, to extend to convict any Person or Persons of the said forfeiture, in whose House any Venison, green Skin or Skins, shall be found, which hath been left in such House without the Knowledge, Privy, or Consent of such Person, or any of his Family, upon due proof thereof to be made, by the Person therewith Charged.

IV. And for as much as there are great Numbers of idle and disorderly Persons, who have no settled Habitation, nor visible Method of Supporting themselves, by Industry or Honest Calling, many of whom come in from Neighboring Colonies, without proper passes, and kill Deer at all Seasons of the Year, and often leave the Carcasses in the Woods, and also steal and

destroy Cattle, and carry away Horses, and commit other Enormities, to the great Prejudice of the Inhabitants of this Province, Be it therefore Enacted, by the Authority aforesaid, That every Person who shall hunt and kill Deer in the King's Wast within this Province, and who is not possessed of a settled Habitation in the same, shall be obliged to produce a Certificate, when required, of his having planted and tended Five Thousand Corn Hills, at Five Feet Distance from each Hill, the preceding Year, or Season, in the County where he shall hunt, under the Hand of at least two Justices of the Peace of the said County, and the Hand of at least one of the Church Wardens of the Parish where such Person planted and tended such Corn, as aforesaid.

V. And be it further Enacted, That if any such Persons as aforesaid, is found hunting, and does not produce such Certificate as aforesaid, when required, he shall forfeit his Gun, and Five Pounds, Proclamation Money, for every such Offence, to be recovered and applied as herein after directed.

VI. And whereas many idle Persons, who spend their chief Time hunting Deer, leave the Carcasses in the Woods, by which Means Wolves, Bears, and other vermin, are raised and supported, which destroy the Stock of the Inhabitants of this Province; Be it therefore further Enacted, by the Authority aforesaid, That every Person who hunts Deer, and leaves the Carcass or Carcasses in the Woods, undestroyed, shall for every Offence forfeit and pay Forty Shillings, Proclamation Money.

VII. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures mentioned in this Act, shall be paid, the One Half to the Informer, and the other Half to the Church Wardens, for the Use of the Parish wherein such Offence shall be committed; to be recovered, with Costs, by a Warrant from any Justice of the Peace in this Government; saving to all free Persons the Right of Appeal to the County Court where such Offence is committed: Which said Court is hereby impowered and directed, in a summary Way, finally to determine the same; wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

CHAPTER IV.

An Act to repeal an Act passed at Wilmington, in the Year of our Lord One Thousand Seven Hundred and Forty One, intituled An Act to establish Ports, or Places of Delivery of Merchandizes, imported in and exported out of this Province, and to prevent the clandestine running of unacustomed Goods in the several Ports thereof.

I. Whereas it is found very inconvenient and injurious to Traders and Vessels arriving at the several Ports and Places in the said Act mentioned, and there being obliged to unlade and continue, whereby great Damages, Losses and Delays have accrued, and much of the Trade of this Province, which heretofore used to be carried on by the Water, has of late been diverted, and carried on by Land to Virginia; for Remedy whereof,

II. We pray it may be Enacted, and be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the said Act be, and is hereby repealed, to all Intents and Purposes, as if the same had never been made.

Provided nevertheless, That nothing in this Act shall be deemed or taken to extend to any Law-Suit already commenced and depending, upon the Breach of the said Law.

CHAPTER V.

An Act for empowering the several Commissioners hereinafter named, to make, mend and repair all Roads, Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts, hereinafter appointed, in such Manner as they Judge most useful to the Public.

I. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, And it is hereby Enacted, by the Authority of the same, That the County of New Hanover be divided into the Five following Districts; and that the Honbl Roger Moore, Esq., the Hon. William Forbes, Esq., Mr. George Moore, Mr. William Dry and Mr. John Daniel, be Commissioners for the Roads for the South west District of the said County; bounded on the North, by Old Town Creek, to the Head thereof; from thence, by a Line to Wagamaw Lake; from thence, down the Wagamaw River to the Boundary Line, including all the Inhabitants on the Neck between the aforesaid Boundary, the Sea, and Cape Fear River; and likewise the Inhabitants on the West side of the said River: And that the Honourable Matthew Rowan, Esq.; Mr. John Davis, Mr. William Waters, and Mr. John Musgrove, be Commissioners of the Roads for the Northwest District for the said County; bounded to the East, by the Northwest River, and to the South, by Town Creek, including the great Island commonly called Eagles, or Buzzards Island: And that the Honourable Robert Halton, Esq.; Mr. William Faris, Mr. Thomas Clark, Mr. Robert Walker, and Mr. John Rutherford, be Commissioners of the Roads for the East District of the said County, lying between Cape Fear River, and the Sea; bounded on the East, by Onslow County, to the South, by the Sea, to the West, by Cape Fear River, and Smith's Creek, along the Road to Beasley Swamp: And that Mr. Thomas Jones, Mr. Joseph Blake, Mr. Charles Harrison, Mr. Alexander MacCulloch, and Mr. Alexander Lillington, be Commissioners of the Roads for the East Side of the East District of the said County; bounded to the South, by Smith's Creek, to the West, by the Northwest River, up to the Head of the same, to the East, by Henry Bishop's below, and Onslow County above: And That Mr. Edward Hyrne, Mr. John Swann, Mr. Jeremiah Vail, Mr. John Ashe, and Mr. James Potavente, be Commissioners of the Roads for the Northeast Branch of Cape Fear River, as far up as Burgaw Creek, and so over to Black River and the Northwest River, including the whole Neck between the said Rivers; And that Mr. Jonathan Evans, Mr. Timothy Bloodworth, Mr. Evan Jones, Mr. William McRee, Sen. and Mr. John Cook, Jun., be Commissioners of the Roads for the West Side of the North East Branch of Cape Fear River, from Burgaw Creek, up the Head of the said River, and including the Branches of Rockfish Creek.

And be it further Enacted, by the Authority aforesaid, That Onslow County be divided into the Four Following Districts; and that Nathaniel Everret, Mr. John King, Mr. Theophilus Williams, Mr. Hope Dexter, and Mr. Zachariah Fields, be Commissioners of the Roads for the Southwest District for

the said County; bounded by the Southwest Branch of New River, down to the Mouth thereof, and to the Bounds of New Hanover County: And that Samuel Johnston, Esq.; Mr. John Howard, Mr. Richard Farr, Mr. William Williams, and Mr. Thomas Jenkins, be Commissioners for the Northwest District of the said County; bounded by the Southwest Branch of New River, including all the Northwest Branch, bounded by the Northeast Branch of the said River; And that Mr. James Foiles, Mr. Edward Ward, Mr. William Shewbridge, Mr. Richard Whitehurst, and Mr. Jonathan Melton, be Commissioners of the Roads for the Northeast District, from the Northeast Branch of New River, down the River, and along the Sound to Bear Creek: And that Mr. John Starkey, Mr. Stephen Lee, Mr. Abram Mitchell, Mr. John Dudley, and Mr. John Spooner, be Commissioners of White-Oak District from Bear Creek, and Rocky Run, to White Oak River, including all to the Bounds of Carteret County.

III. And be it further Enacted, By the Authority aforesaid, That Bladen County be divided into the several following Districts: and That Mr. Joseph Clark, Mr. Henry Simmons, Mr. James Carver, Mr. James Grange, Mr. Ralph Miller, Mr. Thomas Brown, and Mr. Thomas White, be Commissioners of the Roads for the first District, bounded from Livingston's Creek, to Brown's Creek, on the Southwest Side of the Northwest River: And that Mr. William Bartram, Mr. Thomas Russ and Mr. Edward Jones, be Commissioners of the Roads for the second District from Edward Jones's Mill Creek, down the Neck to Malsby's Point: And that Mr. Benjamin Fitzrandolph Mr. William Cain, Mr. James Lyon, Mr. Thomas Robinson, Mr. Moses Plomer and Mr. Nathaniel Platt, be Commissioners of the Roads from Brown's Creek on the Southwest Side of the Northwest River, to Bartram's Ferry: And that Mr. Griffin Jones, Mr. John White and Mr. Edward Harrison, be Commissioners of the Roads on the Northeast side of the Northwest River, from Edward Jones's Mill Creek, to Bartram's Ferry: And that Mr. Daniel MacNeal, Mr. Michael Blocker, Mr. Jonathan Evans, Mr. Thomas Jones and Mr. Richard Richardson, be Commissioners of the Roads from Bartram's Ferry, taking in each side of the River, up to the Head thereof: And that Mr. John Green, Mr. John Hancock, Mr. William Norton, Mr. James Baldwin and Mr. James Welsh, be Commissioners of the Roads for the Marsh District And that Captain John Clark, Mr. Samuel Goodman, Mr. John Hamer, Mr. John Elleby and Mr. John Mackey, Sen., be Commissioners of the Roads for the Pee Dee District.

IV. And be it further Enacted, by the Authority aforesaid, That Carteret County be divided into the following Districts: And that Mr. Thomas Lovick, Mr. Arthur Mobson and Mr. William Burden, be Commissioners of the Roads for the Northeast part of Newport River, in Carteret County, beginning at the Mouth of the said River, and running up Coar Creek, to Craven County, and the Head of Newport River. And that Mr. Garey Godey, Mr. John Gillet and Mr. David Shepherd, be Commissioners of the Roads on the Southside of Newport River, along the Sound to the Bounds of Craven and Onslow Counties by the Head of White Oak River: And that Mr. John Clitherell, Mr. Stephen Ford and Mr. Henry Stanton, be Commissioners of the Roads from Beaufort Town, to Coar Creek Bridge: And that Mr. John Simpson, Mr. Richard Ward, and Mr. Samuel Chadick, be Commissioners of the Roads from the Court House of the said County, over North River, and so to the extream Part of the said County Eastwardly.

V. And be it further Enacted, by the Authority aforesaid, That Craven County be divided into the following Districts; and that Mr. Francis Dawson, Mr. Thomas Person and Mr. Lewis Bryan, Sen., be Commissioners of the

Roads from the Mouth of Neuse River, on the North Side, to Swift's Creek: And that Mr. William Carleton, Mr. Lionel Lee and Mr. William Peters, be Commissioners of the Roads from Swift's Creek, to Contentnee, on the lower side of the main Creek: And that Mr. Thomas McClendon, Mr. Francis Stringer and Mr. John Herring, Jun., be Commissioners of the Roads from the Upper Side of Great Contentnee Creek, to the Bounds of the County: And That Mr. John Loveld, Mr. Joseph Slocomb, Mr. John Sneall and Mr. Francis Always, be Commissioners of the Roads from the Mouth of Neuse River, on the South Side, to Mill's Creek: And that Mr. Robert Howard, Mr. John Hillyard and Mr. Abraham Buffet, be Commissioners of the Roads from Mill Creek, to the Upper Part of the County: And that Mr. Richard Lovett, Mr. Adam Moore, Mr. Christian Ester, Mr. George McCarty and Mr. Jacob Sheets, be Commissioners of the Roads from the Town of New Bern, to the Head of Trent River, along the North Side of the said River: And that Mr. Richard Nixon, Mr. John Fonville and Mr. Cornelius Lofton, be Commissioners of the Roads from New Bern to the Southwest Creek, on the South Side of Neuse River: And that Mr. Mark Phillips, Mr. John Smith and Mr. John Slocomb, be Commissioners from Southwest Creek to the upper Line of the County.

VI. And be it further Enacted, by the Authority aforesaid, That Beaufort County shall be divided into the following Districts: And that Mr. James Thomas, Mr. William Phipps, Mr. William Carruthers and Mr. Josiah Jones, be Commissioners of the Roads from Broad Creek below Bay River, to the main Road, including each Side of the Said River, on the South-side of Pamptico River: And that Mr. Abraham Pritchard, Mr. John Tripp and Mr. John Bond, be Commissioners of the Roads from Goose Creek, to Durham's Creek, and from Durham's Creek, to the Boundary Line of Craven County: And that Mr. Benjamin Peyton, Mr. Thomas Williams, Mr. Reading Blunt, Mr. William Peyton and Mr. William Dunbar, be Commissioners of the Roads from Durham's Creek, to Chockowinity, and to the Boundary Line of Craven County: And that Mr. Edward Salter, Mr. Thomas Tyson and Mr. John Hardy, be Commissioners of the Roads from Chocowinity to the Line of the County: And that Mr. James Adams, Mr. Daniel Blenn, Mr. George Nixon and Mr. James Brown, be Commissioners of the Roads from Hyde County, bounding on Price's Creek, to Bath-Town: And that Mr. John Barrow, Mr. William Martin, Mr. Robert Boyed, Mr. Samuel Boutwell and Mr. Simon Jones, be Commissioners of the Roads from Bath Town, to the Flat Swamp, bounding on Tyrrell County; and also from Bath-Town, to Tranter's Bridge: And that Mr. Seth Pilkinton, Mr. George Moy, Sen., Mr. William Mace, Mr. John Burney and Mr. James Barrow, be Commissioners of the Roads from Tranter's Creek to Edgecomb County.

VII. And be it further Enacted, by the Authority aforesaid, That Hyde County be divided into the following Districts: And that Col. Samuel Sinclair, Mr. Joseph Tart, Mr. Richard Larmount, Mr. Francis Kipps and Mr. Alexander Foreman, be Commissioners from Price's Bridge to the Court House: And that Mr. William Harris, Mr. Thomas Loach and Mr. Joseph Halloway, be Commissioners of the Roads from the Chappel to Jonas Squire's: And that Mr. William Satterthwite, Mr. Timothy Allen and Mr. Nathaniel Eborn, be Commissioners of the Roads from Matchapungo Creek Bridge to the Log House: And that Mr. John Smith, Sen., Mr. John Smith, Jun., Mr. Gilbert McReary, Mr. Forster Jarvis and Mr. John Leith, Jun., be Commissioners of the Roads on the East side of Matchapungo River: Which Commissioners, or the Majority of them, in their several and respective Districts, shall have full Power and Authority to make new Roads and

Bridges, and keep in repair the Roads and Bridges already made in such Places, and in such Manner, as they shall think convenient.

VIII. And be it further Enacted by the Authority aforesaid, That if any Person or Person who shall take upon him to act as a Commissioner, shall neglect or refuse to meet at the Times and Places appointed by the Majority of the Commissioners, in their several Districts, he or they so offending, shall forfeit Thirty Shillings, Proclamation Money, for every such neglect or Refusal; to be recovered and disposed of as is hereinafter directed; except he or they so neglecting, shall give such Excuse to the said Commissioners of his District, at their next Meeting, as they shall judge reasonable,

IX. And be it further Enacted, by the Authority aforesaid, That all Male Persons from the Age of Sixteen Years to Sixty, both White and Black, Except such as are hereafter Excepted shall be summoned to work on the high Roads, within their several Districts, by such Person or Persons as shall be appointed, by a special Warrant from the Commissioners of each District, or the Majority of them; and if any Person or Persons appointed to summon the Male Taxables, as aforesaid, shall refuse or neglect his Duty, as hereinafter directed, for every such Offence, he shall forfeit the sum of Five Pounds, Proclamation Money.

X. And be it further Enacted by the Authority aforesaid, That every Warrant to summon the Taxables, as aforesaid, shall be under the Hands and Seals of the Commissioners of the District, or the Majority of them, which Warrant shall expressly mention the Place where such Taxables shall meet, the Number of Days they are to work, and that they bring with them Provisions sufficient for the Time, and such suitable Tools as the Commissioner shall direct, and also shall mention the Commissioner or Commissioners Names who are to inspect them, as also the Overseer or Overseers Names who are to oversee them; and every Person or Persons to whom such Warrant is directed, shall personally summon all Masters or Mistresses of Families, and Overseers of Plantations, where there is no Master or Mistress present, at least Eight Days before the Time appointed for the working, to cause all Male Taxables in their Families, liable by Law to work on the Roads, to appear at the Place appointed, with suitable Tools as aforesaid and provisions, and there to work on the Roads, Bridges and Cuts, during such Time as is in the Warrant expressly mentioned.

XI. And be it further Enacted, by the Authority aforesaid, That all the Commissioners herein appointed for Each District, and their Successors, shall meet at the Court-house in the District, and where there is no Court-house, at such Place within the District where the Majority of the Commissioners shall think fit to appoint, by Notice under their Hands at least Twice in each Year, viz.: The Monday after Easter Monday and on the First Monday in August, Yearly, and oftener if the Majority of the Commissioners shall think fit; and the Majority of the Commissioners so met, are hereby impowered to determine all Disputes which shall and may arise concerning Highways, Bridges, Private paths, and Cuts, already made, or that shall be made hereafter; also, upon the Petition of any of the Inhabitants, where Lands are so hemmed in by other Persons Lands, that they have no Passage to the Nearest High Road or Landing; to lay out, or cause to be laid out, a Road or Way to the Next High Road or Landing, to be laid out, made and kept in Repair, at the private Expence of the Person or Persons petitioning, with as little Damage as possibly may be to the Owner of those Lands through which the said Road must necessarily pass. And if there are, or hereafter shall be, any considerable Number of Inhabitants settled in such Places where the Roads already laid out are not convenient

for them, to go to the next County Court, or Town, in such Case, upon the Petition of such Inhabitants to the Commissioners of their respective Districts, it shall and may be lawful for such Commissioners, and they are hereby impowered to lay out, or cause to be laid out, a Road for them to such Court-house or Town, at the Charge of such Petitioners, having due regard to do as little Damage to such Persons Lands or Plantations where the said Roads must necessarily go, as is possible; and the said Persons so petitioning shall be liable, for not working, making, and keeping such Roads, laid out as aforesaid, in good Repair, to all the Penalties inflicted by this Act on Persons for not working on the High Roads.

XII. And be it further Enacted, by the Authority aforesaid, That the Majority of the Commissioners of each District, at any of their Meetings shall allot to any Commissioner or Commissioners of such District, a particular Part of the Road, to be under his or their Inspection, whether it be to repair an old Road, make a new one, or to make or repair a Bridge, or a Cut; and the Commissioner or Commissioners so appointed, is and are hereby impowered to nominate an Overseer, for that Part of the Work under his or their Inspection, and shall also, at the same Meeting, appoint the Time when, and Place where, the Inhabitants shall work, not exceeding Twelve Days in One Year (except as is hereinafter excepted) in such Manner as they shall be directed by the Commissioner or Commissioners appointed to direct them, or as they shall be directed by the Overseer or Overseers by him or them Appointed, when such Commissioner or Commissioners shall be absent; and the said Overseers shall also shew their said Warrant to any Person they summon, if required so to do: And if any of the Persons to whom the said Warrant is directed cannot find the Party so to be summoned, then, and in such Case, he shall at least Eight Days before the Time appointed to work, leave a Note, in Writing, of the Time and Place appointed to work, with some Person in the Family of the Person so summoned; which Note so left shall be accounted a legal Summons.

XIII. Provided always, That no Commissioner or Commissioners shall be liable to Prosecution for any Default or Defaults in the Roads, Bridges and Cuts, but for that Part under his or their particular Inspection.

XIV. And be it further Enacted, by the Authority aforesaid, That if any Person, after having been duly summoned, as aforesaid, shall neglect or refuse to send all the Male Taxables in his or her Family, and if a Master of a Family, to go himself, such Person so neglecting or refusing shall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, per Diem, for each and every Taxable in his or her Family liable to work, who shall be absent any Day or Days he or they ought to work, as aforesaid.

XV. Provided nevertheless, That if any Person who is a Defaulter, shall within Ten Days after the Time is Expired for working on the Roads, go to the next Commissioner and shew him sufficient Cause why he or his Taxables were absent, or did not work, at the Time appointed, or he was obliged, by some extraordinary Occasion, to stay at Home himself, or to keep some of his Taxables at Home; in such Case he shall be allowed to make good Deficiency by working on the Roads in such Place as he shall be directed by the said Commissioners, or laid out by the said Overseer, as a proper Task, by Order of such Commissioner, with such a Number of good and able men as will fully make up the Deficiency, within Twenty Days after the Time for working shall be expired; at which Time the Commissioners of each District are hereby required to meet and issue their Warrant or Warrants of Distress to Levy the Fines and Forfeitures, in this Act mentioned,

on the Estate or Estates of all such Defaulters who have not made good their Deficiencies, or given sufficient Excuses, as aforesaid.

XVI. And be it further Enacted, by the Authority aforesaid, That if any Commissioner or Commissioners shall refuse or neglect to send all his Male Taxables to work on the said Roads, such Commissioner or Commissioners shall be liable to pay all such Sums of Money as any other Defaulters mentioned in this Act; to be recovered by a Warrant of Distress, issuing out of the Court of the County where such Commissioner or Commissioners dwell, to be levied upon his or their Goods and Chattels, in such Manner as is herein by this Act directed and provided, against any other Person or Persons offending therein.

XVII. And be it further Enacted, by the Authority aforesaid, That if any Person withdraw any of his Taxables out of any District after they are summoned, it shall and may be lawful for any Commissioner or Commissioners of such Districts, to issue out his or their Warrants of Distress against the Master, Mistress or Overseer of such Taxables so offending, and levy upon the Goods and Chattels of such Offender all such Fines or Sums of Money as are hereinbefore directed, according to the Number of Taxables so withdrawn or carried out of such District.

XVIII. And whereas there are several vagrant Persons who have no fixt Abode or Settlement, and who neglect and refuse to work on the Roads; Be it therefore Enacted, by the Authority aforesaid, That every Master and Mistress of a Family who hath any such Person or Persons as a Sojourner or Sojourners, Workman or Workmen, Labourer or Labourers, in his or her Family, at the Time of being summoned to work, shall be answerable for the Work of such Person or Persons as one of his or her Family; and if such Person refuse to appear at the Time and Place appointed, the said Master or Mistress may sell, at Public Vendue, so much of the Goods and Chattels of such Person or Persons so refusing as shall pay the Fine of Two Shillings and Eight Pence, Proclamation Money, for every day he ought to have worked on such Roads, returning the Overplus, if any, to the said Person or Persons.

XIX. And be it further Enacted, by the Authority aforesaid, That if any Person appointed an Overseer by a Warrant under the Hands and Seals of the Majority of the Commissioners of his District, or any of them, shall neglect or refuse to follow the Directions of the Commissioner or Commissioners appointed for that Part of the Road of which he is Overseer, such Person shall, for every Day he shall so refuse or neglect to act, or to follow the Directions of the said Commissioner or Commissioners, forfeit and pay the Sum of Twenty Shillings, Proclamation Money.

XX. And be it further Enacted, by the Authority aforesaid, That if any white Person, being met according to Summons, shall neglect or refuse to work according to Directions of the Commissioners or Overseer appointed for that Part of the Road, such Person, for every Day he so offends, shall forfeit the Sum of Two Shillings and Eight Pence, Proclamation Money; and if any Slave shall refuse or neglect to work, the Overseer may, and he is hereby directed and empowered, to give such Slave Correction by whipping him on his bare Back, not exceeding Twenty Lashes for every Offence, and so that he uses no other Weapon than a Cow-skin or a switch; And if any Person (the Commissioners of the District excepted) shall hinder the Overseer from correcting such Slave, the Person or Persons so Offending shall, for every such offence, forfeit and pay Twenty Shillings, Proclamation Money.

XXI. And be it further Enacted, by the Authority aforesaid, That the Commissioners of each District, or the Majority of them, shall be, and they are hereby impowered, to agree with any Person or Persons to build any Bridge or Bridges, or repair any Road or Roads, as they shall see necessary, in their several Districts.

XXII. And be it further Enacted, by the Authority aforesaid, That where Two Districts are divided by any River or Creek, and the Commissioners of either desire to build a Bridge over such River or Creek, they shall give Notice to the Commissioners of the other District of the Day and Time they will meet them, as near the Place as may be where the Bridge shall be proposed to be built; and the said Commissioners of the Two several Districts, or the Majority of those of each District, being so met, are hereby impowered to agree with proper Persons to build such Bridge: And the Commissioners of each of the said respective Districts, or the Majority of them, are also hereby impowered to raise Money sufficient to discharge the Expence of such Bridge, in their several Districts, that is to say, one Half to one District, and one Half on the other, by laying a Levy, so as the same do not exceed one Shilling, Proclamation Money, for One Year, on the Taxables liable to work on the Roads in each of the said Districts; to be collected by the Sheriff of the County wherein such Districts are, at the same Time and Manner as other Taxes are made payable, and to be collected, and shall be accounted for and paid by the Sheriff to the Commissioners of such Districts where the same shall be collected, for which the Sheriff shall have Six per Cent.

XXIII. And forasmuch as several Counties are now divided by small Rivulets or Creeks, where Bridges over the same may be made and kept in Repair, without laying a Levy on the Taxables of each County; It is therefore hereby Enacted, That the Two next Commissioners of the said Run living in the different Counties may be, and are hereby impowered, to issue Summons for such Number of Taxables in their respective Districts as they shall judge proper for making and repairing such Bridges, and the Taxables so working shall be allowed the same Time from working upon any other Roads in their District: And if any Person or Persons liable to work upon the Roads shall neglect or refuse to comply with and obey such Summons as aforesaid, he or they shall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, for every Day he or they shall so neglect or refuse.

XXIV. And be it further Enacted, by the Authority aforesaid, That if any Bridge shall be broken down or carried away by Freshets, or if by falling of Trees across the Roads the Passage of the same is interrupted, the Commissioner or Commissioners of the District in which such accident may happen shall issue his or their Warrant or Warrants to summon as many Taxables as may be able to mend such Bridge, or move such Trees, and otherwise repair any unpassable Road, allowing the Persons so working as many Days at the next General Time of working.

XXV. And be it further Enacted, by the Authority aforesaid, That if any Person shall stop up, or any way Damage any of the Roads, Bridges, Cuts or Watercourses now made, or hereafter to be made, by the Commissioners aforesaid, or any of them, or alter or Damage any of the private Roads by them laid out to a Landing, or Public Road, the Commissioners, or the Majority of them, in the District where such Offence shall be committed shall order the Party so offending immediately to clear and repair the same; and in Case of Refusal, the Party offending shall forfeit and pay such Sum

or Sums of Money as the Majority of the Commissioners of such District shall find sufficient to repair such Damage.

XXVI. And be it further Enacted, by the Authority aforesaid, That the Commissioners of each and every District, or the Majority of them, are hereby required and impowered to call to account upon Oath all former and present Commissioners and Officers to whom any Money hath been or hereafter shall be paid by Virtue of any Warrant on Defaulters for not working heretofore on the Roads, and to appoint any one of the said Commissioners to receive the same; and upon Refusal or Neglect of Payment it shall and may be lawful for the said Commissioners of such District, or the Majority of them, to issue their Warrant, directed to the Sheriff of the County, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, and the Goods so distrained shall be by the Sheriff sold at Public Vendue, so far as will amount to the Sum which such Person ought to account for and pay, as aforesaid; and the Money so levied shall be paid to the Commissioners appointed to receive the same, as aforesaid.

XXVII. And be it further Enacted, by the Authority aforesaid, That the Commissioners in the several Districts in this Province, shall have full Power and Authority, and they are hereby authorized and impowered to summon all Persons whom they suspect as Defaulters in working on the high Roads in the several Districts where such Persons reside by a Note, in Writing, under the Hand of one or more of the Commissioners, appointing the Time when, and Place where, they shall meet, which shall be within Three Months after the Ratification of this Act; and shall cause all Persons who have been Overseers of the High Roads and all other Persons whom they believe can make Proof against Defaulters, as aforesaid, to appear before them, and on due Proof made by the Oath of any credible Person, or the Confession of the Party or Parties of such Default or Defaulters, the Commissioners, or the Majority of them, at the said Meeting shall order such Defaulter or Defaulters to work on the Roads for the Space of Six Days only, at one Time, until he or they have made good the whole Deficiency, within Six Months after the Ratification of this Act; and in Case such Defaulter or Defaulters shall neglect or refuse to work as aforesaid, or refuse to pay his or their several Fines and Forfeitures, due for his or their Default or Defaults, the said Commissioners, or the Majority of them, are hereby required and impowered to levy, by Warrant, on such Defaulter or Defaulters, such Sum or Sums of Money so due, on his or their Goods and Chattels.

XXVIII. And whereas Disputes may often arise about the Number of taxable Persons in a Family liable by Law to work on the Roads; Be it therefore Enacted, by the Authority aforesaid, That the Commissioners in each and every District, or the Majority of them, may, and they are hereby impowered, to require upon Oath from any Defaulter or other Person, at any Time, the List or Number of his or her Taxables, liable by Law to work on the Roads; and on Refusal of such Defaulter, or other person so required, to declare the same, he, she or they so refusing shall forfeit and pay the Sum of Five Pounds, Proclamation Money.

XXIX. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, by Direction of the Commissioners, to cut down and make use of any Timber Trees or Trees standing or growing upon any of the most convenient Lands to the said Roads for the Use thereof.

XXX. And be it further Enacted, by the Authority aforesaid, That all Warrants for levying any Fine or forfeiture due by Virtue of this Act shall

be under the Hands and Seals of the Commissioners, or the Majority of them, in their respective Districts where such shall become due.

XXXI. And be it further Enacted, by the Authority aforesaid, That all Public Roads, Bridges and Causeways shall be made, at the least, Ten Feet in Width.

XXXII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall think him, her or themselves aggrieved by any Order or Sentence of the Commissioners, it shall and may be lawful for such Person or Persons to appeal from the Order or Sentence of such Commissioners, in any of their respective Districts, to the next County Court, who are hereby impowered to hear and determine such Appeals in a Summary Way.

XXXIII. And be it further Enacted, by the Authority aforesaid, That all the Fines and Forfeitures now due, or which hereafter shall become due, by Virtue of this Act, except such as are hereinbefore directed to be otherwise recovered, shall be by Distress and Sale of the Offender's Goods and Chattels, by Virtue of a Warrant under the Hands and Seals of the Commissioners of such District, or the Majority of them, where such Offence is committed, directed to any lawful Constable of the County, who shall levy the same by Sale of the Offender's Goods at Public Vendue to the highest Bidder; and the said Constable shall be allowed for executing every such Warrant of Distress One Shilling and Three Pence, Proclamation Money, and Three per Cent. for the Sum levied; and after the Forfeitures and Charges paid, the Overplus, if any, to be returned to the Owner: Which Warrant shall be in the following Words, viz.: Whereas Information, upon Oath, hath been made to us, Commissioners for the District of, in the County of, by A. B. That C. D. is a Defaulter upon the high Roads, with Taxables, for Days, which, at the Fine of Two Shillings and Eight Pence Each, by Law established, amounts to the Sum of, and that the said C. D. hath refused to make satisfaction of the same: These are therefore to command and require that you seize so much of the Goods and Chattels of the said C. D. as will pay and satisfy the said Sum of with all accruing Costs, and the same Goods so seized, unless redeemed by the payment of the said Sum of with Costs, in Five Days after seizure, that you sell and dispose of, and the money arising thereby you pay to us, at the Day of, for which this shall be your sufficient Warrant.

XXXIV. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures mentioned in this Act shall be to the Use of the Public of this Province, and shall be paid to the several Commissioners in their respective Districts where the said Fines and Forfeitures are recovered, to be applied to the making and repairing the Bridges and Watercourses in the several Districts where the same shall be recovered, and towards paying a Clerk for entering the Proceedings of the Commissioners of the said several and respective Districts.

XXXV. And be it further Enacted, by the Authority aforesaid, That no Member of his Majesty's Council, or Members of Assembly, no Clergyman, Justice of the Peace, Attorney at Law, Clerk of any Court, Coroners, Constables, School Masters, Physicians, or Surgeons, or Persons appointed to tend Public Ferries, or Public Grist-mills shall be themselves compelled to work on any Roads; neither shall any Person himself be compelled to work who shall send Three Persons out of his own Family to work on any Road, Bridge or Cut.

XXXVI. And be it further Enacted, by the Authority aforesaid, That if

any Commissioner or Commissioners appointed by this Act shall refuse to act, or shall die, or leave the District of which he or they are Commissioner or Commissioners, that then, and in such Case, the remaining Commissioners of such Districts where such Commissioner or Commissioners shall refuse to act, die or leave the District, together with the Justices of the County Court, at the next County Court, shall choose one or more Commissioner or Commissioners to fill up the Room of such Commissioner or Commissioners refusing, dying or removing, as aforesaid; and such Commissioner or Commissioners so chosen shall have the same Power and Authority and be subject to the same Penalties as any Commissioner or Commissioners in this Act before named.

XXXVII. And whereas by a late Temporary Act, intituled An Act for laying out, making, altering and keeping in Repair the several Roads within the County of Bath, &c., a Tax was laid by the Commissioners of Bladen County for finishing a Bridge over Levington's Creek, which Tax was not fully collected before the Expiration of the said Act; and many of the Persons so taxed now refuse to pay the same because the said Law is expired.

XXXVIII. Be it therefore Enacted, by the Authority aforesaid, That the Commissioners appointed by this Act for the said County in their several and respective Districts shall have full Power, and they are hereby authorized and required, to issue their Warrant or Warrants for the levying the said Tax on such Person or Persons who have not already paid the same; and the said Tax shall be levied and paid in the same Manner and under the same Penalties as in this Act is before directed for Taxes, on the like Ocasion, hereafter to be laid and collected in the several Districts in this Act appointed.

CHAPTER VI.

An Act for erecting a Fortification on the Lower Part of Cape Fear River, for applying thereto the Powder Money already arisen, or which shall arise, by Shipping coming in the Port of Brunswick.

I. Whereas from the present War with France and Spain, there is great Reason to fear that such Parts of this Province which are situated most commodious for Shipping to enter may be invaded by the Enemy: And whereas the Entrance of Cape Fear River, from its known Depth of Water and other Conveniences for Navigation, may tempt them to such an Enterprize, while it remains in so naked and defenceless a Condition as it now is: Therefore, for the better securing of the Inhabitants of the said River from any Insult and Invasion,

II. We pray that it may be Enacted, and be it Enacted, by his Excellency, Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That his Excellency, Gabriel Johnston, Esq., Governor, the Honourable Nathaniel Rice, Robert Halton, Eleazer Allen, Matthew Rowan, Edward Moseley, Roger Moore, William Forbes, Esqrs., and Col. James Innes, William Farris, Esq., Major John Swann, and George Moore, Esq., be, and are hereby appointed Commissioners, who, or the Majority of them, shall have full Power and Authority to erect and build a Fort or Battery in such Place on the lower Parts of Cape Fear River as to the Majority of them shall seem most convenient for the Defence of the

said River: Which Fort or Battery shall be called Johnston's Fort, and shall be large enough to contain at least Twenty Four Cannon, with Barracks and other Conveniences for Soldiers.

III. And for defraying the Charges of Building such Fort or Battery, Be it Enacted, by the Authority aforesaid, That the Powder Money already paid to the Naval Officer of Port Brunswick, or to the Commissioners of Navigation of the said Port, since the Sixth Day of March, One Thousand Seven Hundred and Thirty Eight, by Virtue of an Act of Assembly intituled An Act for facilitating the Navigation of the several Ports of this Province, and for Buoying and Beaconing the Channels leading from Ocacock Inlet to Edenton, Bath Town and New Bern, and from Topsail Inlet to Beaufort Town, and other Ports and Inlets within the said Province herein mentioned, and for providing sufficient Pilots for the safe Conduct of Vessels; and all Powder Money which shall hereafter arise by Vessels coming into the said Port of Brunswick shall be applied by the Commissioners aforesaid, or the Majority of them (after deducting a Sum sufficient for finishing the Posting and Staking out the Channel between Brunswick and Wilmington, not exceeding the Sum of Fifteen Pounds, Proclamation Money), to the Charge of building and erecting the said Fortification as aforesaid, and to no other Purpose or Use whatsoever; anything in the said Act to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the several Naval Officers of Port Brunswick, or other Persons who have any of the Powder Money of or belonging to the said Port, in their Hands; and the Naval Officer who shall hereafter receive any Powder Money of or for that Port shall, when called upon by the aforesaid Commissioners, or the major Part of them, appear before them and settle their Accounts, upon Oath, and pay to the said Commissioners, or the Majority of them, or their Order, all such Sum or Sums of Money already received, or which shall hereafter be received by him or them; and a Receipt, under the Hands of the said Commissioners, or their Order, shall be a sufficient Discharge to the said Officer for such Sum or Sums of Money so paid.

V. And be it further Enacted, by the Authority aforesaid, That if any such Person or Persons, who have already received any Powder Money as aforementioned, or who hath any such Money in his Hands, or who hereafter shall receive any such Money, shall, upon due Notice given, refuse to appear to account, upon Oath, and pay the Money due from him or them, he or they so refusing or neglecting shall forfeit the Sum of Forty Pounds, Proclamation Money; to be recovered by the Commissioners, or the Majority of them, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, wherein no Protection, Injunction or Wager of Law shall be allowed or admitted of, and applied towards building the said Fort; and shall be also liable to an Action for all such Sums of Money as are in his or their Hands at the Suit of the Commissioners aforesaid, or the major Part of them.

VI. And be it further Enacted, by the Authority aforesaid, That if any one or more of the Commissioners beforementioned shall die or remove out of this Province, or refuse to act, that in such Case it shall and may be lawful for the Majority of the remaining Commissioners to recommend double the Number of the Person or Persons so dying, leaving the Province or refusing to act, to his Excellency the Governor or Commander in Chief for the Time being, out of which he is hereby empowered to appoint one or more Commissioners to act in the Room of such so dying, leaving the Province or refusing to act as aforesaid: And such Commissioner or Commissioners so appointed shall have the same Power and Authority as any other Commis-

sioner or Commissioners have, or ought to have, by Virtue of this Act.

VII. And be it further Enacted, by the Authority aforesaid, That the Commissioners hereinbefore nominated and appointed are hereby compelled to lay their Accounts before the Governor, Council and General Assembly of this Province for all such Sum or Sums of Money as they shall from Time to Time receive by Virtue of this Act.

VIII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, by the Direction of the Commissioners aforesaid, or the major Part of them, to cut down and make Use of any Timber Tree or Trees standing or growing upon any of the most convenient Lands to the said Fort to be used in building and erecting the same.

CHAPTER VII.

An Act to appoint Commissioners in the Place and Stead of those deceased, and to compleat and finish the Church at New Bern, and for adding the present Church Wardens and Vestry to the said Commissioners; and for impowering the said Commissioners, Church Wardens and Vestrymen to call the former Commissioners to Account for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purpose aforesaid, and in Case of Insufficiency to lay a Levy to accomplish the same.

I. Whereas by Virtue of an Act passed at Edenton the Twenty Second Day of August, Anno Domini, One Thousand Seven Hundred and Forty, intituled An Act to enable the Commissioners hereinafter appointed to erect and finish a Church in New Bern Town, for the better regulating the said Town, and for other Purposes hereinafter mentioned, William Wilson, Adam Moore, William Herritage, George Roberts, and George Bould were appointed Commissioners to erect, build and finish a Church at New Bern; and the said William Wilson, Adam Moore and George Roberts being since dead and no Power in the said Law to choose others in their Room;

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the present Church Wardens and Vestrymen of the Parish of Christ Church, together with John Fonveille, Edward Bryan and Christopher Gregory Hobbs be, and are hereby appointed, Commissioners in the Room, Place and Stead of the said William Wilson, Adam Moore and George Roberts, deceased, with full Power and Authority to call to Account the former Commissioners for all the Monies by them Collected and received to and for the Use of the said Church, and from any other Person or Persons who may have any of the said Monies in their Hands; and in Case of Neglect or Refusal of any of the surviving Commissioners, or the Heirs or Executors of those deceased Commissioners, or any other Person or Persons, as aforesaid, upon the Demand of the Majority of the Present Commissioners, Church Wardens and Vestrymen, only to account and pay down all such Sum and Sums of Money as are remaining due and unpaid in their Hands to the present Church Wardens and Commissioners, as aforesaid, who are hereby impowered to give Discharge for the same, that then, and in such Case, such Commissioner or Commissioners, or the Heirs, Executors or Administrators of those deceased Persons, or other Person or Persons con-

cerned therein, shall forfeit and pay unto the present Church Wardens and Commissioners the Sum of One Hundred Pounds, Proclamation Money; and further, shall be liable to an Action at the Suit of the Commissioners and Church Wardens for all such Sum and Sums of Money as shall appear he or they are so in Arrear; which said Sum of One Hundred Pounds, Proclamation Money, shall be applied for and towards finishing, compleating and building the said Church.

III. And be it Enacted, by the Authority aforesaid, That in Case there should not appear to be a sufficient Sum of Money in the Hands of the former Commissioners, or in the Hands of the Heirs, Executors or Administrators of those Commissioners deceased, to finish the said Church, that then, and in such Case, it shall and may be lawful for the present Church Wardens and Vestry, together with the present Commissioners, to lay such a Levy as will be sufficient for the compleating the same, with as much Expedition as possibly may be: Anything herein contained to the contrary notwithstanding.

CHAPTER VIII.

An Act to add that Part of the Province called Mattamuskeet, and Lake, to Hyde County.

I. Whereas as the Inhabitants of Mattamuskeet, and the Lake, for these many Years past, have been obliged to attend Currituck County Court, being from their Habitations upwards of One Hundred Miles, through a bleak and dangerous Sound, which is always attended with great Fatigue, and often Times their Lives exposed to great Danger and frequently by contrary Winds, disappointed of their Passages and detained from their Families: For Remedy whereof for the future,

II. We pray it may be Enacted, and it is hereby Enacted, by His Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That Mattamuskeet, and the Lake thereunto belonging, shall from henceforward be accounted, taken, reckoned and deemed Part of Hyde County; and that the Inhabitants thereof shall be subject and liable to the same Orders, Rules and Taxes, as any other of the Inhabitants of the said County are, or hereafter shall be; any Law, Custom, or Usage to the contrary, notwithstanding.

CHAPTER IX.

An Act to empower the Commissioners for the Town of Edenton to keep in Repair the town Fence and to erect and build a Pound, Bridges, Public Wharf and Market-house; as also to erect and build a School-house in the said Town and other Purposes therein mentioned.

I. Be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and General Assembly of this Province and by the Authority of the same, That the Commissioners already appointed, or who shall hereafter be appointed for the said Town, or the Majority of them, are hereby authorized and Impowered, by the Name of the Commissioners of Edenton, from Time to Time,

and at all Times hereafter, to lay a Tax on the Inhabitants of the said Town, not exceeding Eight Pence, Proclamation Money, per Annum on each and every Lot, possessed by each and every Person or Persons residing within the said Town, for to keep the Town Gates and Fence round the said Town in good Repair; which Tax shall be annually collected and levied by a Person, from Time to Time, to be appointed by the Commissioners of the said Town or the Majority of them and by the said Commissioners, or Majority of them, applied for the Uses and Purposes before mentioned, and on Non-Payment of the said Tax, the Person appointed to collect the same, is hereby empowered to make Distress on the Goods and Chattels of such Person who shall refuse to pay the same, and to sell the same at Public Vendue and the Overplus, if any, to return to the Owner, after paying the said Tax and the Costs of such Distress.

II. And be it further Enacted, by the Authority aforesaid, That no Person or Persons whosoever, except the Inhabitants of the said Town, shall keep, or cause to be kept any Horse, Cattle or Sheep, within the said Town, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as in this Act is hereafter directed.

III. And be it further Enacted, by the Authority aforesaid, That none of the Inhabitants of the said Town shall keep, or cause to kept, running at large within the Bounds of the said Town more than Six Head of Sheep, one Cow and one Horse for one Lot, and so in Proportion for each and every Lot by him, her or them so possessed, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as in this Act is hereafter directed.

IV. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town, or the Majority of them, are hereby authorized and empowered, to erect and Build a Pound, Public Wharf, Market-house and School-house, in such Public Places in the said Town as they, or the Majority of them, shall think most convenient for the Ease and Advantage of the Inhabitants of the said Town: And for defraying the Expence of building and erecting the said Pound, Bridges, Public Wharf, Market-house and School-house, the said Commissioners shall be allowed and paid out of the Money already arisen and not applied, and which hereafter shall arise by the Sale of Lots in the Said Town; any Law, Usage or Custom to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That the several Penalties in this Mentioned, shall be Recovered by a Warrant before Two of his Majesty's Justices of the Peace, and be applied by a Majority of the Commissioners of the said Town, towards the erecting and building the said Pound, Bridges, Public Wharf, Market-house and School-house.

VI. And be it further Enacted, by the Authority aforesaid, That the Commissioners of Edenton may receive Donations and Subscriptions towards defraying the Expences of building the School-house in the said Town and apply the same accordingly; and may in their Names, or in the Names of the Commissioners for the Time being, commence Suits or Actions for the Recovery of any Sums, given or subscribed to be paid, for the Purpose aforesaid, by any Person or Persons whosoever.

CHAPTER X.

An Act for the better regulating the Town of Wilmington and for confirming and establishing the late Survey of the same, with the Plan annexed.

I. Whereas the Inhabitants and the greatest Part of the Proprietors of the Town of Wilmington have been at a very considerable Expence in a Re Survey and forming of an exact Plan of the said Town; and being unanimous in petitioning for the same to be established by a Law:

II. Be it Enacted, by His Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province and by the Authority of the same, That the said Plan as annexed, shall be, forever, hereafter the true and exact Plan of the said Town; by a Reference to which all Disputes in Regard to Streets, Squares, Lots and Their Boundaries are to be determined for the future.

III. But whereas by the unskillfulness of former Surveyors and Neglect of the Proprietors, the Course of the Streets and Bounds of Squares and Lots were never properly ascertained by which many Houses are misplaced, some encroaching upon the Streets and others upon the Lots of their Neighbours; For Remedy whereof, Be it Enacted, by the Authority aforesaid, That all such Houses as are now built either wholly, or in Part, upon the streets shall be allowed to remain so until they decay and fall to ruin; but as soon as the Owner of such House or Houses may resolve to repair or rebuild the same the Street or Streets shall be by him cleared of all Rubbish and he be obliged to build such house or Houses upon his or their Lot or Lots, under the Penalty of Fifty Pounds, Proclamation Money, to be recovered and applied as is hereinafter directed: And where any Owner or Proprietor has the Whole or any Part of his House or Houses on his Neighbor's Lot or Ground, in such Case it shall and may be lawful for the Party so injured, by being deprived of Part of his Lot or Ground by his Neighbour's House, or any Part of it being Built upon his, to give Notice in Writing, to the Owner or Proprietor of such House or Houses to remove what part of the same is on such Person's Lot or Ground in Six Months after Date; which he shall be obliged to do under Penalty of Fifty Pounds, Proclamation Money; to be recovered in the Supreme Court of this Province, by the Party so injured, and to be applied to his proper Use and to no other Purpose whatsoever: Nevertheless, the Owner or Proprietor of a House or Houses having Brick Chimneys, or Brick Cellars, may be at Liberty, and he is hereby allowed, to pay a Ground Rent for what Part he encroaches upon his Neighbour, where Notice or Warning was not before given of such Incroachment; which Rent and all Disputes arising about Incroachments and Damages upon Lots already committed, shall be determined by the Commissioners of the said Town, to be chosen as hereinafter directed.

IV. And be it further Enacted, by the Authority aforesaid, That every Complaint of Nuisances, by Lumber or Rubbish Lying upon the Streets, or Wharfs, Dangers of Fire, arising from Wooden Chimneys, or any such hazardous Buildings, shall be determined by the Commissioners as aforesaid.

V. And that proper Care may be taken in the Choice of Commissioners, Be it Enacted by the Authority aforesaid, That the Election of Commissioners shall be, Yearly, and every Year, by the Freeholders of the said Town by Ballot, as directed in the Law for Regulating the Elections of Members of Assembly, and that the Number of Five and no more, shall be chosen Commissioners Annually, every New Year's Day, except when such Day falls upon Sunday, in which Case the Election to be on the Monday following;

and two Persons to be chosen by the Majority of the Inhabitants as Inspectors of the Ballot shall attend and declare who are duly elected Commissioners, in the same Manner as in the Law for Regulating Elections of Assembly: And that upon the said Five Commissioners being chosen, and their Names properly entered in the Journal of the Proceedings of the Town, they shall, before they enter upon their Office take the following Oath:

I, A. B. do forever swear, That I will execute the Office of Commissioner, faithfully and truly, without Favour or Affection or Prejudice; and in all Things Act for the Good of the said Town, and the well governing of it, to the best of my skill and Judgment. So help me God.

VI. And that the said Town of Wilmington may be more regularly supplied with Provisions, Be it Enacted, by the Authority aforesaid, That Thursdays and Saturdays in every Week are hereby appointed Market Days for all kinds of Provisions and Goods whatsoever: and the Commissioners of the said Town, for the Time being, are hereby empowered to pass such Orders as they may judge proper, for the better regulating the said Markets, for preventing tainted or unwholesome Provisions being sold, for the better bringing to Justice, or prosecuting according to Law in the Civil courts of this Province, all Forstallers of the Market, private Marketing or buying or dealing with Negroes bringing Provisions or other Goods without proper Tickets from their Masters, Mistresses or Overseers, for preventing all irregular Mobbs and Cabals by Negroes and others, especially on Sundays, for the more effectually bringing to Justice all such Criminals and Offenders against the Laws of this Province, and also for preserving the Peace and Safety of the said Town, and also for preserving the Peace and Safety of the said Town, by appointing proper Guards or Watches in the said Town, as often as they see proper, so as one of the Commissioners shall always be of the Number to make up the said Watch, by giving his attendance in the Town-house, to be ready on all Occasions of Riots and Disturbances, or to prevent Malefactors breaking the Prison or Gaol, and in all Things to act for the Good and Safety of the said Town, and the proper Government of it, consistent with the Laws and Customs of this Province.

VII. And forasmuch as the Inhabitants of the said Town were at a considerable Expence in building a Town-house, or Court-house, in the said Town by a voluntary Contribution; Be it Enacted, by the Authority aforesaid, That the Commissioners and the Inhabitants, shall have free Liberty to hold all their Public Meetings on all Occasions in the Court-house and have the Liberty of a Key to the same.

VIII. And whereas many Streets in the said town are impassable and dangerous, for want of proper Bridges and Water-Courses, and proper Shambles or a Market-place is also wanted in the said Town; Be it Enacted by the Authority aforesaid, That the Commissioners, or the Majority of them, for the Time being, may, and they are hereby empowered to lay a Tax on all Male Taxables in the said Town, Yearly, towards defraying the necessary Charges, or any which may arise by holding Watches, building or repairing Public Wharfs, or Bridges, or other Public Charges, which may be agreed upon at the Yearly Public Election by the Majority of the Inhabitants of the said Town, so as such Yearly Tax does not exceed One Shilling and Six Pence, Proclamation Money.

IX. And be it further Enacted, by the Authority aforesaid, That any Person being chosen Commissioner for the said Town and refusing to act, the other Commissioners, or the Majority of them, shall choose another in his Room.

X. And be it Enacted, by the Authority aforesaid, That all Fines and Forfeitures, mentioned in this Act, unapplied, shall be levied and applied to the Public Fund or Stock of the said Town.

XI. And be it further Enacted, by the Authority aforesaid, That the Commissioners are hereby impowered to issue their Warrant, at least Twice a Year to the Constables, to warn all the Male Taxables to clear and repair the Streets, or make or mend the Public Wharfs, Docks, or Slips, and also to appoint Overseers; and any Person neglecting or refusing to work as directed in the Warrant, or to furnish a good and sufficient Hand in their Place, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, per Day, for every such Refusal or Neglect; to be recovered in the same Manner as the Commissioners of the Roads are impowered by Law: Which Money so recovered, shall be applied towards hiring Labourers in their Place and Stead, and to no other Purposes whatsoever.

XII. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said town, shall, and they are hereby, forever hereafter, excused from all work on the Country Public Roads during such time as they live in the said Town, and no longer.

XIII. And whereas many Lots are not yet cleared, nor proper Drains or Runs made, in many Places in the Parts of Town where there are most Inhabitants, to the Manifest Injury and Unhealthiness of the said Town, Be it therefore Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, may and they are hereby impowered to Order the Proprietors of any Lot or Lots to clear all, or any Part of them, and to make proper Drains or Water-Courses through them, in Six Months after such Order, signed by the Commissioners for the Time being, or the Majority of them; and any Person refusing or neglecting to comply with the same, shall forfeit and pay Twenty Shillings, Proclamation Money.

XIV. And whereas all Dangers arising from Fire in the said Town are very great and a Necessity appears for Providing a Water-Engine, Buckets, Ladders and other Instruments, necessary on such Occasion; Be it Enacted by the Authority aforesaid, That every House in the said Town shall be valued, after the Expiration of Two Years next after the Ratification of this Act, by the Commissioners, who are hereby impowered to lay a Tax on the Owner or Proprietor of such House or Houses, at so much per cent. so as such Tax does not exceed Two per Cent., Proclamation Money; which Money so laid and collected shall be applied towards purchasing one or more Water-Engines, Buckets, Ladders and other Instruments for extinguishing Fire; as also for an Alarm or Town Bell: Which Instruments shall be under the Care and Direction of the Commissioners for the Time being, to be ready on all Occasions of Fire.

XV. And to supply the want of Commissioners at present, Be it Enacted, by the Authority aforesaid, That the Inhabitants of the said Town be and are hereby impowered and authorized to meet, on the Second Tuesday in May next and choose Five Commissioners to act 'till New Year's Day next, and no longer.

XVI. And be it further Enacted, by the Authority aforesaid, That if at any Time, Twenty Days after the Ratification of this Act any Tavern-keeper, Ordinary-keeper, or any other Person or Persons whatsoever, selling Liquor or keeping a Public House in the said Town shall suffer any Person or Persons whatsoever to sit tippling or drinking in his House in Time of Divine Service on the Sabbath Day; or shall suffer any Person or Persons to get drunk in his House on the Sabbath Day; such Person or Persons so offending shall forfeit

and pay for every such Offence the Sum of Twenty Shillings, Proclamation Money.

XVII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whosoever in the said Town, shall one Month after the Ratification of this Act, on any Pretence whatsoever, give any Credit, Loan, or Trust, to any Mariner or Seaman, belonging to or under the Command of any Master of a Vessel that now is, or shall at any Time hereafter, arrive in the River of Cape Fear, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the leave or Licence of the Master or Commander of the Vessel he belongs to, or where such Sailor or Mariner shall have left the Ship or Vessel to apply to the Courts of Justice in any Dispute or Controversy with the Captain or Commander of such Ship or Vessel; that then and in such Case, he, she, or they, shall for every such Default, lose all the Monies and Goods so trusted or credited.

XVIII. And be it further Enacted, by the Authority aforesaid, That if any person or Persons whosoever, shall willingly and knowingly, entertain, harbour or keep, or suffer to be entertained, harboured, or kept directly or indirectly, any Seaman belonging to any Vessel as aforesaid in his, her, or their House or Houses, exceeding the Space of Six hours, without the Privity or Consent of his, or their Commander, (except as in the Case before excepted), he, she, or they, so offending shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every such Offence.

XIX. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall think him or themselves injured, by any Determination of the said Commissioners, such Person or Persons may appeal to the Justices of the County Court; who are hereby impowered to determine the same in a Summary way.

XX. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures mentioned in this Act, not exceeding Five Pounds, Proclamation Money, shall be recovered by a Warrant, under the Hands and Seals of the Commissioners, or a Majority of them for the Time being, directed to the Constable or Bailiff of the said Town, to be by him levied on the Goods and Chattels of the Delinquent and Public Sale to be made of so much of the same, after Ten Days Notice first given of such Sale, as will discharge the said Sum or Sums and the Overplus, if any, to be returned to the Owner; and that all other Fines and Forfeitures mentioned in this Act, for any Sum above Five Pounds, Proclamation Money, shall be recovered by the Commissioners, or the major Part of them, or the Survivors of them, in any Court of Record of this Province, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of; and that the Fines and Forfeitures by them so recovered and not hereinbefore particularly appropriated, shall be applied and paid into the Stock of the said Town.

XXI. And be it further Enacted, by the Authority aforesaid, That if any of the Commissioners chosen by virtue of this Act shall die, or leave the Province, it shall and may be lawful for the Inhabitants to meet and choose as before directed, a Commissioner or Commissioners, in Place of him or them so dying or leaving the Province; and such Commissioner or Commissioners so chosen and elected, shall possess and enjoy the same Power and Authority as any other of the Commissioners, chosen as before directed; anything in this Act to the contrary, notwithstanding.

CHAPTER XI.

An Act for Fencing the Town of Bath and re-surveying the Common belonging to the said Town and exempting the Inhabitants from working on the Main Roads; and to give Liberty to the Inhabitants to build on and improve the Front of Water Lots, and to appoint Commissioners for the Purposes aforesaid.

I. Whereas the enclosing and fencing the Town of Bath will be not only commodious to the Inhabitants but convenient to Travellers passing that Way:

II. We therefore pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the Inhabitants of Bath Town, at their own proper Costs and Charges, shall be obliged to make and keep in good Repair, a good and sufficient Fence, with one large Gate fit for carts to pass through, and one lesser gate, fit for Men and Horses to pass through.

III. And be it further Enacted, by the Authority aforesaid, That the Commissioners hereafter appointed, or the Majority of them, are hereby directed and impowered to hire and employ workmen, to make up or repair the said Fence and Gates, when the Majority of them shall find it necessary and to compute the charge of making and repairing the same on the first Tuesday in May, Yearly, after the Ratification of this Act; And for defraying the said Expence the Commissioners hereafter named are hereby authorized and impowered to lay a Tax or Levy on each Taxable in the said Town, for paying the said Charge not exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, Yearly.

IV. And be it further Enacted, by the Authority aforesaid, That if any of the Inhabitants of the said Town of Bath, or any other Person or Persons holding or possessing Lots therein, shall neglect or refuse to pay the said Tax or Levy so laid by the Commissioners as aforesaid, that then, and in such Case, the Commissioners for the Time being, or the Majority of them, are hereby impowered to sue for and recover the same by Warrant from any Justice of the Peace for the County of Beaufort.

V. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall pull down, take away, or by any Means destroy any of the Rails of the said Fence, or any Part thereof and shall be thereof lawfully convicted, by the Oath of one credible Witness before one or more Justices of the Peace, he, she, or they so offending, shall forfeit and pay into the Hands of the Commissioners for the first Offence the Sum of Twenty Shillings, Proclamation Money; and for the Second offence, being thereof lawfully convicted, as aforesaid the Sum of Forty Shillings, Proclamation Money, to be recovered by the Commissioners by a Warrant from Two Justices of the Peace: Which Money so by them recovered, shall be by them applied towards repairing the said Fence.

VI. And forasmuch as the Inhabitants of the said Town know not exactly the Bounds of their several and respective Lots; to prevent Disputes for the future, Be it further Enacted, by the Authority aforesaid, That the Commissioners hereafter named, or the Majority of them, are hereby required and impowered to employ the Surveyor-General, or his Deputy, to re-survey the said Town as near as possible to the old Plan, that no Person may be Damaged thereby; and the Commissioners are hereby impowered to lay a Tax or Levy on each Lot, not exceeding Two Shillings and Eight

Pence, Proclamation Money, to pay the Expence of surveying the same; which Money shall be paid by the Owners of the said Lot or Lots, into the Hands of the Commissioners: And every Owner or Owners of such Lot or Lots, so surveyed are hereby obliged to set up Posts or Stones for Land-Marks in Presence of some of the Commissioners, at the Time of surveying the same, under the Penalty of Forty Shillings, Proclamation Money; to be recovered and applied in the same Manner as other Fines in this Act are before directed to be recovered and applied.

VII. And be it further Enacted, by the authority aforesaid, That the Common belonging to the said Town be also surveyed at the Expence of the Inhabitants of the said Town; and that proper Land Marks be set on the Bounds of the same, that Persons may know where the same are, and not commit Trespass on the Lands adjoining.

VIII. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of Bath Town be, and are hereby exempted from working on the Public Roads; Provided that the said Inhabitants keep the Town inclosed, in Manner aforesaid and their Streets and Lots clear of all Incumbrances whatsoever.

IX. And be it further Enacted, by the Authority aforesaid, That all Persons which have or which hereafter shall take up any of the Front or Water Lots in the said Town are hereby impowered to improve the same by building and erecting Warehouses and Stores, or other Buildings, as to them shall be most convenient, for carrying on their Trade and Commerce.

X. And be it further Enacted, by the Authority aforesaid, That Capt. Michael Coutanch, Col. Benjamin Peyton, Mr. John Rieussett, Mr. Robert Boyd and Mr. Daniel Blinn, be and are hereby appointed Commissioners for the said town of Bath, with power and Authority to sue for and recover, of and from any Person or Persons who shall refuse to pay their proportionable Part of the Charges arising and becoming due for any of the Purposes aforesaid; and on Death or Removal of any of the above Commissioners, the Majority of the Commissioners shall choose others in the Room and Stead of those so dying or removing.

CHAPTER XII.

An Act to encourage Persons to settle in the Town of Brunswick on the Southwest Side of Cape Fear River.

I. Whereas Maurice Moore, late of Cape Fear, Esq., deceased, appropriated and laid out a certain Parcel of Land, containing Three Hundred and Twenty Acres, on the Southwest side of Cape Fear, for a Town and Common, for the Use of the Inhabitants of the said Town; which said Town is called Brunswick; and the Honourable Roger Moore, Esq., to make the said Town more regular added another Parcel of Land to the said Town and a great Part of the said Lands was laid out into Lots, of Half an Acre each many of which are taken up and good Houses built thereon and proper Places were appointed and given by the said Maurice Moore for a Church, Court-house and Burial Place, Market House, and other Public Buildings: And whereas, by Reason of the Death of the said Maurice Moore and of John Porter of Cape Fear, Esq., who claimed to hold part of the said Lands laid out for a Town by Grant from the said Maurice Moore, it is not certainly known to whom the said Lands belong so that sure Titles may be had to the Lots as yet unsold, which is a great Discouragement to the settling

the said Town: And whereas the Trade of Cape Fear River consists in Naval Stores, Rice and Lumber, Commodities of great Bulk and small Value, all due Encouragement ought to be given to large Ships to come into the said River, to take off the said Commodities; and as all large Ships which come into the said River, are obliged to lie at Brunswick and that Town, for want of a sufficient Number of Inhabitants, and by Reason of the easy Navigation Thereunto, is much exposed to the invasion of Foreign Enemies in Time of War and Pirates, in Time of Peace nothing can be a greater Encouragement to Ships to come there, than a Certainty of being well supplied with Necessaries, and well secured during the Time they lie there which can no way be better done than by Increasing the Number of the Inhabitants of the said Town: For the effecting of which and remedying the Inconveniences above mentioned, and settling and securing the Titles to the said Lots in the said Town,

II. We pray your Most Sacred Majesty that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and General Assembly of this Province and by the Authority of the same, That the said Lands appropriated and laid out for a Town and Common, by the said Maurice Moore and Roger Moore be, and they are hereby declared to be from henceforward, invested in the Honourable Edward Moseley and Roger Moore, Esqrs., and William Dry, John Wright and Richard Quince, Merchants, in Fee, to and for the Trust and Purposes herein after mentioned and their Successors, as Commissioners for the Town of Brunswick; to be disposed of in Manner and Form as hereinafter directed.

III. And be it further Enacted, by the Authority aforesaid, That on the Death or Departure of any of the said Commissioners out of this Province at any time hereafter, the remaining Commissioners, or the majority of them, are hereby fully impowered and authorized, to elect and choose some other Person or Persons to succeed such Commissioner or Commissioners, so dying or departing as aforesaid, which Person or Persons so elected or chosen, shall be and they are hereby invested with as full Power and Authority, to all Intents and Purposes as if they had been particularly named in the Act.

IV. And be it further Enacted, by the Authority aforesaid, That the Honourable Roger Moore, Esq., shall be Treasurer and Receiver of all the Monies arising, or to arise, by the sale of the said Lots; and on his Death or Departure out of this Province, then the Majority of the Commissioners to choose another, he giving Security, to the said Commissioners, that he will be accountable for all the Monies which he shall receive for the said Lots.

V. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any Three of them, as soon as they conveniently can, shall lay out so much of the said Lands, fronting the River, for a Town, into Lots of half an Acre each, with convenient Streets and Passages, as they shall think sufficient, and the Remainder thereof not laid out into Lots, shall be and it is hereby declared to be a Common, for the Public use of the Inhabitants of the said Town; a Plan of which Town and Common, the Commissioners shall record in the Secretary's Office by which Plan so recorded, all Disputes hereafter concerning the Lots, Streets, Passages of the said Town and also the Common, shall be decided.

VI. And be it further Enacted, by the Authority aforesaid, That if the said Commissioners, or the Majority of them, shall think the Places already laid out for a Church, Burial Place, Market-house and other Public Build-

ings, not convenient for the said Uses, that then the said Commissioners, or the Majority of them, shall lay out and appropriate such other Places for the Uses aforesaid, as they shall think most convenient.

VII. And be it further Enacted, by the Authority aforesaid, That every Person who is willing or desires to be an inhabitant of the said town, shall have liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up, paying into the Treasurer or Receiver for the Time being, the Sum of Three Pounds, Proclamation Money; which Lot or Lots the Commissioners aforesaid, or any Three of them, are hereby required, directed and impowered, to grant and convey to the Person so taking up the same and to his Heirs and Assigns forever; Forty Shillings whereof shall be paid by the said Treasurer to such Person or Persons, his or their Heirs, who hath the Title to the said lands, and Twenty Shillings Remainder thereof, to the Church Wardens of St. Phillip's Parish, in New Hanover County; to be disposed of as the Vestry of the said Parish shall direct.

VIII. Provided always, That if any Person shall take up or purchase any Lot in manner as before directed, and shall not build thereon within Two Years after the Date of the Conveyance for the said Lot a good substantial habitable House, of the Dimensions of Twenty Feet long and Sixteen Feet wide, without Shed, or make such preparation for so doing as the Commissioners, or the Majority of them, shall judge Reasonable, then every such Conveyance shall be null and void, to all Intents and Purposes, as if the same had never been made; and any other Person or Persons shall have free Liberty to take up the said Lot or Lots, in the same Manner as before is directed, as if the same had never been before taken up.

IX. And be it further Enacted, by the Authority aforesaid, That all Money arising by such Second or other Sale of the said Lot or Lots, shall be paid by the Treasurer or Receiver, to the Church Wardens of St. Phillip's Parish aforesaid, to be disposed of as the Vestry of the said Parish shall direct.

X. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, shall have full power and authority, and they are hereby authorized and impowered to sell and convey, in Manner aforesaid, one or more of the said Lots, as they shall find necessary; and apply the Money arising by the Sale of the said Lots, to defray the said Charges they shall be at in surveying and laying out the said Lots and Common, and making and recording the Plan thereof.

XI. And be it further Enacted, by the Authority aforesaid, That every Person who is now seized and possessed of any Lot, and hath by himself, or those under whom he claims, been so seized or possessed for Seven Years last past, and cannot produce any Title to the same, shall make it appear to the Commissioners, or the Majority of them, that he purchased the said Lots, bona fide; and if the said Commissioners, or the Majority of them, shall be satisfied that he purchased the said Lots, bona fide, then they shall give him a Certificate thereof, under their Hands and Seals: Which Certificate being registered in the Register's Office of New Hanover County, shall be a sufficient Title against all Titles bearing Date after Ratification of this Act; and where any Lot doth belong to any Person deceased, his Executors or Administrators shall have the same Liberty or Privilege.

XII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, possessed of any of the said Lots, die without Heirs,

or shall not make Disposition thereof by Will, or otherwise, then and in such Case, the said Lot or Lots shall revert to the said Commissioners; and shall be sold by the Commissioners aforesaid, for as much as they can get; and the Money arising by such sale, shall be disposed of by them for the use of the said Town.

XIII. And for the Better Encouragement of Persons to settle in the said Town, Be it Enacted by the Authority aforesaid, That from and after the Ratification of this Act, all Vestries for the said Parish, shall be made and held in the Town of Brunswick, and at no other Place whatsoever.

XIV. And be it further Enacted by the Authority aforesaid, That the Church of St. Phillip's aforesaid, shall be built in the said Town of Brunswick.

XV. And be it further Enacted by the Authority aforesaid, That the Commissioners aforesaid, or any Three of them, shall have full power and Authority, and they are hereby authorized and empowered to remove all Nusances, or what they shall judge Nusances, within the Limits of the said Town, and shall not suffer any Person, Owner of any Lot or Lots in the said Town, to inclose the same with a Common Stake Worm Fence; but every Person who will inclose a Lot or Lots, shall inclose the same with Pales, or Post and Rails set up; and if any Person or Persons after Notice given, shall not take away and remove such Stake or Worm Fence, then, and in such Case, the said Commissioners, or any Three of them, shall order the same to be taken away at the Costs and Charges of the Person who is in Possession of the said Lot or Lots: And if the Possessor refuses to pay for the same, Then any Three of the Commissioners aforesaid, are hereby empowered and authorized to grant a Warrant, under their Hands and Seals, directed to the Constable of the said Town, to levy the same, by Distress and Sale of the Offender's Goods, returning the overplus to the Owner; and the said Constable is hereby required to execute the said Warrant.

XVI. And be it further Enacted, by the Authority aforesaid, That all and every Person and persons, Possessors or Owners of any Lot or Lots in the said Town, shall within one Year after the Ratification of this Act, clear all and every such Lot and Lots by them held or possessed, of all Wood, Underwood, Brush or Grubbs, growing, standing, or being on the said Lots.

XVII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, Possessor or Owner of any Lot or Lots in the said Town, shall omit or neglect to clear the same, as above directed, within the Time above limited, and keep and maintain the same so cleared, then, and in such Case, the Commissioners, or any three of them shall cause the same to be cleared, at the Costs and Charges of the Party Offending; and if the Party so Offending, shall, upon Demand made, refuse to pay such Sum or Sums as the Commissioners, or any Three of them, shall order, for clearing the same, then the said Commissioners or any Three of them, shall issue a Warrant under their Hands and Seals, to the Constable of the said Town, to levy the same by distress, and sale of the Offender's Goods, returning the Overplus, after all Charges are paid.

XVIII. And be it further Enacted, by the Authority aforesaid, That if at any Time, after Twenty Days after the Ratification of this Act, any Tavern keeper, Ordinary-keeper, or any other Person or Persons whatsoever, selling Liquor, or keeping a Public House in the said Town, shall suffer any Person or Persons whatsoever to sit tippling or drinking in his House in time of Divine Service on the Sabbath Day, or shall suffer any Person or Persons to get drunk in his House on the Sabbath, such Person or Persons so offend-

ing, shall forfeit and pay for every such Offence, the Sum of Ten Shillings, Proclamation Money.

XIX. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, in the said Town, shall one Month after the Ratification of this Act, on any Pretence whatsoever, give Credit, Loan, or Trust, to the Mariner or Seaman, belonging to or under the Command or Master of any Vessel that now is, or shall at any Time hereafter, arrive at Brunswick, above the Sum of Two Shilings and Eight Pence, Proclamation Money, except by the leave or Licence of the Master or Commander of the Vessel he belongs to or where such Sailor or Mariner shall have left the Ship or Vessel to apply to the Courts of Justice, in any Dispute or Controversy with the Captain or Commander of such Ship or Vessel; that then, and in such Case, he, she, or they, shall for every such Default, lose all the Monies and Goods so trusted or credited.

XX. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, shall willingly and knowingly, entertain, retain, harbour, or keep, or shall, directly or indirectly, suffer to be entertained, retained, harboured, or kept, any Seaman or Mariner, belonging to any Vessel aforesaid, in his, her or their House or Houses, exceeding the Space of Six Hours, without the Privy and Consent of his or their Master or Commander (except as in the Case before excepted), he, she or they so offending, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every such Offence.

XXI. And be it further Enacted, by the Authority aforesaid, That if any Person who keeps a Public House, shall, after the Ratification of this Act, entertain, retain, harbour, or keep, or suffer to be entertained, retained, harboured, or kept, any Seaman, or Mariner, belonging to any Vessel as aforesaid, after Eight of the Clock, in the Winter, at Night, and Nine of the Clock, in the Summer, at night, except the Seaman or Mariner hath Leave from his Master or Commander, in Writing, to be on Shore (except as in the Case before excepted), he or she so offending, shall forfeit and pay the sum of Ten Shillings, Proclamation Money, for every such Offence.

XXII. And be it further Enacted, by the Authority aforesaid, That in Case any Person or Persons whatsoever shall be sued or molested for any Thing done in the Execution of this act, he, she or they, shall and may plead the General Issue, and give this Act in Evidence; and the Judge or Judges shall allow thereof.

XXIII. And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures by this Act made and Imposed shall be, one Half to the Vestry and Churchwardens of St. Philip's Parish aforesaid, and the other Half to him or them who will sue for the same; to be recovered by a Warrant from any one Justice, if the Sum doth not exceed Twenty Shillings, Proclamation Money; and if the Penalty or Forfeiture exceed the Sum, then by a Warrant from any Two Justices.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,

Nathaniel Rice, President,

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1746.

At a General Assembly held at New Bern the Twenty Eighth Day of June, in the Year of our Lord One Thousand Seven Hundred and Forty Six.
Gabriel Johnston, Esq., Governor.

CHAPTER I.

An Act for the Better regulating the Militia of this Government.

I. Whereas the Safety of this, as well as all other well governed Colonies, greatly depends on the well Regulating the Militia thereof,

II. We pray your Most Sacred Majesty that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That from henceforward, the Militia of this Government shall consist of all the Freemen and Servants within the same, between the Age of Sixteen Years and Sixty; and the several Captains of the Militia in this Province, shall within Four Months next after the Publication of this Act, take the List of the Names of all such Freemen and Servants, within the Districts of which their several Companies shall consist, and return a Copy thereof to the Colonel of the Regiment, under the Penalty of Ten Pounds, Proclamation Money; to be levied by a Warrant from such Colonel, to be applied as hereinafter is directed.

III. And be it further Enacted, by the Authority aforesaid, That when such Lists are taken as aforesaid, the said Captain shall, once every Year from henceforward, viz.: in the Month of October, take new Lists of all the Freemen and Servants in their said several Districts, and return Copies thereof, as before directed, under the like Penalty of Ten Pounds; to be levied and applied as hereafter in this Act is directed.

IV. And be it further Enacted, by the Authority aforesaid, That any Person or Persons, after having been so inlisted, who shall at any Time hereafter (unless rendered incapable by Sickness or Accident), fail or refuse, on Notice given, to appear, at such Times and Places within the County, as shall from Time to Time, be appointed, by the Colonel or Commanding Officer of the Regiment to which he belongs, for that Purpose, there to be mustered, trained, and exercised in Arms, or that shall not at such Times and Places, be well provided with a Gun, fit for service, a Cartouch Box, and a Sword, Cutlass, or Hanger, and at least Twelve Charges of Powder and Ball, or Swan Shot, and Six Spare Flints, shall forfeit and pay, for his Non-Appearance, the Sum of Five Shillings and Four Pence, Proclamation Money; and in Case they do appear, they shall forfeit and pay Two Shillings and Eight Pence, like Money, for Want of any of the Arms, Accoutrements, or Ammunition as aforesaid; to be levied by a Warrant from the Captain of the Company, directed to the Serjeant of the same, who shall make return thereof to the Captain; which Serjeant shall be paid two Shillings, Proclamation Money, by the Offender, for serving the same: And in Case such Serjeant or Serjeants shall refuse or neglect to serve any Warrant or Warrants to him or them so directed, he or they, on Re-

fusal or Neglect thereof, shall be Fined five Pounds, Proclamation Money; to be recovered by a Warrant from the Captain, directed to any other Serjeant, under the same Penalty; to be applied as other Fines in this Act are directed and appointed: Provided that no Person shall incur the Penalty for appearing in the Field without a Cartouch Box, or Cutlass, Sword, or Hanger, Until the Expiration of Six Months, after the Ratification of this Act.

V. Provided always, That no Minister of the Church of England, no Member of His Majesty's Council, no Member of Assembly, Secretary, Attorney General, practising Attorney, no Man who has been a Field Officer, or Captain of the Militia of this Province, or Commissioned Officers which have served in the Army, no Justice of the Peace, no practising Physician, Chirurgeon, no Clerks of the Courts of Justice, no Persons tending Public Mills, or Ferries, shall be obliged to enlist themselves, or attend such Musters as aforesaid.

VI. And be it Enacted, by the Authority aforesaid, That in Case of any Invasion of this Province, or Expedition to be carried on against an Enemy within the Province, it shall and may be Lawful for the Governor or Commander in Chief, to raise all, or so many of the Forces of this Government, as he shall think necessary, for opposing the said Invasion, or supporting the said Expedition; and any Person whatsoever, who shall refuse or neglect, on Notice or Alarm given, to appear at such Times and Places as shall be appointed by his Captain, or other Officer, with Arms, Ammunition and Accoutrements, as aforesaid, or shall refuse to march against the Enemy where Commanded, within this Province, or refuse any other Duty the Defence of the Country may require, shall forfeit and pay for either of the said Offences, Ten Pounds, Proclamation Money, to be levied by a Warrant from the Colonel or Commanding Officer for that Service; And that the respective Officers to whom such Invasion shall be first made known, are hereby authorized to command and order the Men under their Command, to mount Guard, march against the Enemy, and do any other Duty as the Defence of the Country may require, and continue the Alarm until the same is made known to their superior Officers.

VII. And be it further Enacted, by the Authority aforesaid, That in Case of any Invasion of the Province of Virginia, or South Carolina, it shall and may be lawful for the Governor and Commander in Chief for the Time being, to raise so many of the Forces of this Government as shall be thought necessary to give proper relief to such of the Provinces aforesaid as shall be invaded, and to march them to their Assistance, at the Expence of the Province desiring such Assistance; which Number of Forces shall be draughted out of the several Regiments of this Province, and each Regiment to furnish a proportionable Number of Men, so to be draughted and sent to the neighbouring Colony.

VIII. And be it further Enacted, by the Authority aforesaid, That the respective Officers of the Militia, and the private Men, when in actual Service, shall, from the Day they are ordered on Duty be paid according to the Rates following, to-wit:

PROCLAMATION MONEY.		£.	s.	d.
A Colonel, per Day.....		0	12	6
A Lieutenant Colonel.....		0	10	0
A Major		0	10	0
A Captain		0	7	0

	£.	s.	d.
An Adjutant	0	7	0
A Lieutenant, and Chirurgion, each.....	0	5	0
An Ensign	0	4	6
A Serjeant	0	4	0
A Corporal, and Drummer, each	0	3	6
Every Private Man	0	3	0

IX. And be it further Enacted, by the Authority aforesaid, That if any Person shall be so disabled in the Service of the Country, as not to maintain himself or pay for his Cure, he shall be cured at the Public Charge, and have one good Negro Man purchased for, and given to him, at the charge of the Public, for his Maintenance; and if any one shall be killed, the Public shall make the same Provision for his Wife or Family.

X. And be it further Enacted, by the Authority aforesaid, That such Persons who by this Act are exempt from enlisting themselves or appearing at Musters, shall be ready, at all Time of Danger, (Sickness or Accident always excepted), to attend the Commands of the Governor or Commander in Chief for the Time being, within this Province, compleatly furnished with Arms and Ammunition, as aforesaid, on Penalty of Twenty Pounds, Proclamation Money, to be levied by a Warrant from the Colonel, directed to the Sheriff of the said County, who shall return the same, together with the aforesaid Fine, under the Penalty of Forty Pounds, Proclamation Money, to be recovered by the said Colonel, by Action of Debt, in the General Court of this Province.

XI. And be it further Enacted, by the Authority aforesaid, That if, during the Time of Muster, any Soldier shall resist his lawful Officer, or refuse to obey his lawful Commands, such Soldier shall be punished, at the Discretion of the Captain, with the Lieutenant or Ensign, by being tied Neck and Heels, piquetted, or riding the Wooden Horse: And if any Person, upon Duty, during the Time of any Alarm, Invasion or Expedition, against the Enemy, shall desert his Colours, or be mutinous, it shall and may be lawful for one Field-Officer, or more, Four Captains, Four Lieutenants, and Three Ensigns, or the Majority of them, with one Field-Officer, openly to hold a Court-Martial, first taking the Oath usually taken at Court-Martials, and on Tryal and Conviction, to punish the Offender according to Martial Law, as the Nature of the Crime shall require and for want of a sufficient Number of Officers to compose a Court-Martial, the Offender shall be kept under a Guard until such Time as there be a sufficient Number of Officers to hold a Court Martial as aforesaid.

XII. And be it further Enacted, by the Authority aforesaid, That the Captains shall apply all fines received, and hereafter to be received, by them towards purchasing Drums, Colours, and other Implements of War, or Ammunition, for and to the Use of the Company whereof he is Captain; and shall also account on Oath, once every Year, with the Colonel or Commanding Officer of the County, for all such Fines received, or that he shall or may receive, in Virtue of this Act; and that no Captain shall, hereafter, compound for any Fine hereafter accruing due, under the Penalty of Ten Pounds, Proclamation Money; to be recovered by a Warrant from such Colonel or Commanding Officer, as hereinbefore directed, and such Colonel or Commanding Officer shall make a Report thereof to the Captain General or Commander in Chief for the Time being.

XIII. And be it further Enacted, by the Authority aforesaid, That the Colonels of each and every Regiment of this Province, shall, once every Year cause a General Muster to be made of their respective Regiments, at

such Times and Places within each several County, as they shall think proper to appoint; which, if any of them shall neglect or refuse to do, he or they so offending, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by a Warrant from his Excellency the Governor or Commander in Chief for the Time being, and to be applied to the Uses aforementioned in this Act.

XIV. And be it further Enacted, by the Authority aforesaid, That every Captain of a Company shall Four Times every Year, at such Times and Places within their several Districts, as their respective Colonels shall appoint, muster their Companies, and see that every Soldier in their Company be furnished with such Arms, Accoutrements, and Ammunition, as by this Act before is directed, under the Penalty of Five Pounds, Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer in the County, and to be applied as hereinbefore is directed.

XV. And be it further Enacted, by the Authority aforesaid, That each and every Company belonging to the several Regiments within this Province shall consist of Fifty private Men, Three Serjeants, Five Corporals, and Two Drummers.

XVI. And be it further Enacted, That the several Colonels of their respective Regiments within this Province, are hereby authorized to apply the Fines and Penalties by them received, in Virtue of this Act, in purchasing Drums, Colours, Ammunition, and Arms, as shall appear to them to be most necessary for the Companies in such Regiments; and that they shall annually render an Account to his Excellency the Governor, sworn before, and certified by any Justice of the Peace in the County, under the Penalty of Fifty Pounds, Proclamation Money, to be recovered by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province (wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of), by any person who will sue for the same, and the one half to him or them who shall sue for the same, the other half to be applied as the other Fines in this Act are directed.

XVII. And be it further Enacted, by the Authority aforesaid, That in Case the Governor or Commander in Chief for the Time being shall, at any Time hereafter, appoint any Troop or Troops of Light Horse, in any County in this Province, that then, and in such Case, the said Troop or Troops that shall be so appointed, are hereby exempt from mustering in any of the Foot Companies within their several Counties, and shall be Accoutred with a good Case of Pistols, a Broad Sword, a Fuzee, with Swivel and Belt, a Cartridge Box, with Twenty Four Cartridges of Powder and Ball, and subject to the muster at the same Times and under the same Penalties as before by this Act is directed for the Foot.

XVIII. And be it further Enacted, by Authority aforesaid, That this Act shall be and continue in Force for and during Three Years, and from thence to the next Session of Assembly.

XIX. And be it Enacted, That each and every Captain of a Company shall procure a Copy of this Act, for which he shall be allowed in his accounting for the Fines and Forfeitures by him received, or to be received, and shall cause the same to be read at the Head of his Company at least once in every Year; under the Penalty of Five Pounds, Proclamation Money.

XX. And be it Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, all and every Act and Acts for regulating the Militia of this Government, and all Matters and Things therein contained, is and are hereby repealed and made void.

CHAPTER II.

An Act for erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for building a Court-house, Prison and Stocks in the said County.

I. Whereas Craven County is now become so very Extensive that many of the Inhabitants thereof live very remote from New Bern Town, where the Court for the said County is held, whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their Ordinary Business in the said Court, but also being compelled to serve as Jurymen, and oftentimes as Evidences, at the said Court: For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That Craven County be divided by a Line beginning at the Mouth of the Southwest Creek, on the South Side of Neuse River, below Francis Stringer's Ferry, running up the said Creek as far as the aforesaid County extends that Way, and running a North Line from the Mouth of the said Southwest Creek as far as the County extends Northwardly; and that the upper Part of the said County be erected into a County by the Name of Johnston County, and St. Patrick's Parish, as divided by a Line that shall be agreed on by the Commissioners hereafter named: And that the said County and Parish shall enjoy all the Privileges and Advantages that any other County and Parish in this Province holds or enjoys, save only that the said County shall send but Two Representatives to sit in the General Assembly.

III. And be it further Enacted by the Authority aforesaid, That the Courts of the said County shall be held on the last Tuesdays in the Month of March, June, September and December in every Year.

IV. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County, or the Majority of them, shall hold their first Court at the Dwelling-house of Francis Stringer, at the Ferry, on Neuse River, and then and there nominate and appoint a certain Place for building a Court-house, Prison and Stocks at the most proper Place in the said County, and shall also make such Orders and Rules for erecting the said Buildings and running the dividing Line aforesaid, at the proper and equal Expence of the Inhabitants of the same by a Poll-Tax not exceeding Two Shillings, Proclamation Money, per Year, for Two Years, and no longer.

V. And be it further Enacted, That William Eaton, William Persons, Francis Stringer and James Macklewean be, and are hereby appointed Commissioners, and are hereby impowered and directed to run a dividing Line between the Counties of Granville and Johnston, as agreeable as may be for the ease and Convenience of the several Inhabitants of the said Counties, beginning at such Place on the Head Line aforesaid of Edgecomb County as the said Commissioners shall think meet and just.

VI. And be it further Enacted, by the Authority aforesaid, That the said Court shall, at the first sitting thereof, recommend to his Excellency the Governor Three Persons for his Approbation of one of them to execute the Office of a Sheriff, according to Law, for the said County.

VII. And to the End that no Action begun in Craven County be defeated by the Division aforesaid, Be it Enacted, by the Authority aforesaid, That where any Action is already commenced in the said Court of Craven, and

that the Parties or Evidences shall be Inhabitants of Johnston County, all subsequent Process against such Parties or Evidences shall be directed to be Executed by the Sheriff of Craven County; any Law, Usage or Custom to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That Simon Bright, John Herring, Sen., Thomas McClendon, John Beeton, Abraham Boyd, Ambrose Airis, John Irons, John Carraway, John Smith, Samuel Smith, Robert Rayford and John Beaker be, and they are hereby appointed Vestrymen of the said Parish of St. Patrick's, to serve in the Vestry until the General Election of Vestrymen, according to Law; and that the said Vestrymen shall be summoned by the Sheriff of the said County of Johnston to meet at the Place appointed by this Act where the Court is to be held, and qualify themselves as a Vestry, and proceed to Parish Business.

IX. And be it further Enacted, That all Public, County and Parish Levies now due from any of the Inhabitants of the said County of Johnston shall be collected by the Sheriff of Craven County and accounted for in the same Manner as though this Act had not been made.

CHAPTER III.

An Act for dividing Edgecomb County and Parish, and for erecting the upper Part thereof into a County and Parish by the Name of Granville County and St. John's Parish; and for appointing Vestrymen for the said Parish.

I. Whereas the County and Parish of Edgecomb, being a Frontier County, is now so extensively settled that the Public Business of the said County and Parish becomes very difficult to be transacted:

II. We therefore pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, By and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That Edgecomb County and Parish be divided by a Line beginning at the Mouth of Stonehouse Creek, on Roanoke River, to the Mouth of Cypress Swamp, on Tar River, and from Thence across the River, in a direct Course, to the Middle Grounds between Tar River and Neuse River, being the dividing Line between Craven and Edgecomb Counties; and that the upper Part of the said County and Parish, as divided by the Line that shall be agreed on by the Commissioners hereafter named, be erected into a County by the Name of Granville County, and St. John's Parish: And that the said County and Parish shall enjoy as many privileges as any other County or Parish in this Province holds and enjoys, save only that the said County shall send but Two Representatives to sit in General Assembly.

III. And be it further Enacted, by the Authority aforesaid, That the Courts of the said County shall be held on every Tuesday succeeding the County Courts of Northampton.

IV. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County, or the Majority of them, shall hold their first Court at the Dwelling-house of William Eaton, and then and there nominate and appoint a certain Place for building a Court-house, Prison and Stocks, at the most proper Place in the said County; and shall also make such Orders and Rules for erecting the said Buildings and running the dividing Line aforesaid, at the proper and equal Expence of the Inhabitants of the same, by a

Poll-Tax not exceeding Two Shillings, Proclamation Money, per Year, for Two Years and no longer.

V. And be it further Enacted, That William Eaton, William Person, Francis Stringer and James Macklewean be, and are hereby appointed Commissioners; who are hereby impowered and directed to run a dividing line between the said Counties of Granville and Johnston, as agreeable as may be for the Ease and Convenience of the several Inhabitants of the said Counties, beginning at such a Place on the Head Line aforesaid of Edgecomb County as the said Commissioners shall think meet and just.

VI. And be it further Enacted, by the Authority aforesaid, That the said Court shall, at the first sitting thereof, recommend to his Excellency the Governor, Three Persons for his Approbation of one of them to execute the Office of Sheriff, according to the Law, for the said County.

VII. And to the End that no Action begun in Edgecomb County Court be defeated by the Division aforesaid, Be it Enacted, by the Authority aforesaid, That where any Action is already commenced in the said Court of Edgecomb, and the Parties or Evidences shall be Inhabitants of Granville County, all subsequent Process against such Parties or Evidences shall be directed to be executed by the Sheriff of Edgecomb County; any Act, Law, Usage or Custom to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That William Eaton, William Persons, John Martin, Edward Jones, James Mitchel, James Payne, West Harris, John Wade, William Moore, Samuel Lanier, Robert Parker and Joseph Sims be, and they are hereby appointed Vestrymen of the said Parish of St. John's, to serve in Vestry until the General Election of Vestrymen, according to Law, and that the said Vestrymen shall be summoned by the Sheriff of the said County of Granville to meet at the House of William Eaton and qualify themselves as a Vestry, and proceed to parish Business.

IX. And be it further Enacted, That all Public, County and Parish Levies now due from any of the Inhabitants of the said County of Granville shall be collected by the Sheriff of Edbecomb County and accounted for in the same Manner as though this Act had not been made.

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1746.

At a General Assembly, held at Wilmington, the Fifth Day of December, in the Year of our Lord One Thousand Seven Hundred and Forty Six. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act for the better ascertaining the Number of Members to be chosen for the several Counties within this Province to sit and vote in General Assembly; and for establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses.

I. Whereas the Inhabitants of the several Northern Counties within this Province have assumed to themselves the privilege of choosing Five Persons respectively to represent them in the General Assembly without any Law, or Pretence of Law, to support such a Claim, while those of the More Southern and Western Counties, who are more numerous and contribute much more to the General Tax of the Province than some of those who claim this Privilege, are represented only by Two Members in the said Assembly; from which Inequality great Mischiefs and Disorders have arisen, and the best Schemes for the Good and Welfare of the Province, by this Means, have been utterly defeated: for preventing of which for the future,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That from henceforward the Inhabitants of each and every County already erected, or which shall hereafter be erected in this Province, respectively, shall and may choose Two Persons duly qualified for their Representatives to sit and vote as Members in the General Assembly of this Province, and no more; any Law, Usage or Custom to the contrary in any wise notwithstanding: And that the Freeholders of the several Towns, to-wit, of Edenton, Bath Town, New Bern and Wilmington may have the Liberty of Choosing one Representative each, as heretofore, to sit and vote as a Member in the said General Assembly, as aforesaid, all which said Members shall be chosen at such Times as shall be directed by his Majesty's Writ, and at such Place and in such Manner as by an Act of the General Assembly of this Province intituled An Act to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote in the said Elections, or be Elected a Member of the General Assembly, for any of the said Counties, and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province, is directed and appointed.

III. And whereas great Mischiefs have arisen, and numberless Obstructions given to the Public Affairs, by the Members of the House of Burgesses not duly attending, according to the Writ, or the Time of Prorogation or Adjournment; Be it Enacted by the Authority Aforesaid, That Eight Members of the House, at the first Meeting, in Pursuance of his Majesty's Writ, or the Time of Prorogation or Adjournment, are hereby impowered to ad-

journal de Die in Diem, until the Number of Members hereinafter limited shall come together to make a House.

IV. And for the better Dispatch of Public Business, Be it Enacted by the Authority aforesaid, That Fourteen Members of the said House, and the Speaker, shall be a sufficient Quorum to make a House and to Pass Laws or do any other Act or Acts, which any Assembly in this Province have been heretofore accustomed to do by a larger Number; any Law, Custom or Usage to the contrary notwithstanding.

V. And be it further Enacted, That all and every Clause and Clauses of every Law or Laws, so far as relate to the Inhabitants of any County or Counties in this Province, their sending above Two Members, exclusive of the Members chosen for the several Towns in this Act before mentioned to sit and represent them in General Assembly, directly or indirectly, is hereby repealed and declared null and void to all Intents and Purposes as though the same had never been made.

CHAPTER II.

An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts and defraying the Expence thereof; and also for establishing the Courts of Justice and regulating the Proceedings therein.

I. Whereas the Limits of this Province are very extensive, and to the End that the Supreme Court of Judicature and Public Offices may be held and kept at the most proper and convenient Place, and Circuit Courts appointed for the Ease and Benefit of the Inhabitants in General of this Province,

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That from and after the Fifteenth Day of August next after the Ratification of this Act, the Courts of Chancery, General Court, Secretary's Office, Clerk of the Chancery Office, and Clerk of the General Court Office, shall be held and kept at the Town of New Bern, in this Province; and that the Court of Chancery and the Supreme or General Court shall be held at the said Town of New Bern on the several Days and Times hereinafter in this Act directed, and that all Business, proper and incident to the said Courts, and Matters appertaining to and proper to be transacted in the said several Offices, shall be there done and transacted; Any Law, Usage or Custom to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That from and after the said Fifteenth Day of August the Secretary of this Province for the Time being or his Deputy, the Clerk of the Chancery for the Time being or his Deputy, the Clerk of the General Court for the Time being or his Deputy, shall Daily (Sundays and Holy Days excepted) give their Attendance respectively at their Offices in New Bern aforesaid from the Hours of Ten of the Clock in the forenoon 'til Twelve, and from Three of the Clock in the afternoon 'til Five, for the better dispatching the business of such Persons who shall apply to their respective Offices for that Purpose; and if either or any of the said Officers shall neglect so to do, he or they so offending shall forfeit for every such Neglect Five Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Complaint or Information in the General Court

of this Province (wherein no Essoign, Protection, Injunction or Wager of Law shall be admitted of) by the Party who shall make Information thereof or sue for the same.

IV. And be it further Enacted, by the Authority aforesaid, That the Chief Justice of this Province for the Time being shall Twice every Year hold a Court of Assize, Oyer and Terminer, and General Gaol Delivery, by a Commission or Commissions to be issued for that Purpose by the Governor or Commander in Chief for the Time being, under the Seal of the Province, at Edenton, in Chowan County; at Wilmington, in New Hanover County, and at the Court-house in Edgecomb County.

V. And be it further Enacted, by the Authority aforesaid, That all issues in all Actions and Plaints, whether Real, Personal or Mixt, Local or Transitory, which shall hereafter be brought or Commenced in the Supreme Court of Common Pleas, in which the Visne shall be laid in the Counties of Currituck, Pasquotank, Pequimans, Chowan, Bertie and Tyrrell shall be tryed at Edenton by Writ of Nisi Prius on the Second Tuesdays in October and April: and all Issues in all Actions or Plaints, where the Visne shall be laid in the Counties of Edgecomb, Northampton and Granville, or in any Counties that shall hereafter be established to the Westward of Granville County, shall be tryed in like Manner at the Court-house in Edgecomb County on the Fourth Tuesdays in October and April by a Jury of Freeholders of the said Counties, or any of them; And all Issues in all Actions and Plaints, where the Visne shall be laid in the Counties of New Hanover, Bladen and Onslow, or any Counties that shall hereafter be established to the Southward or Westward of Onslow County, shall be tryed in like Manner, at Wilmington, on Cape Fear River, on the Second Tuesdays in November and May by a Jury of Freeholders of the said Counties or any of them.

VI. And be it further Enacted, by the Authority aforesaid, That the Visne in all Actions and Plaints (Suits in behalf of the Crown and Transitory Actions excepted) shall be laid in the County where the Cause of Action shall arise, and in no other without the Consent of the General Court for good and sufficient Causes shewn.

VII. And be it further Enacted, by the Authority aforesaid, That all Writs, Plaints and Process whatsoever shall, as heretofore, be issued out, commenced and filed in General Court at New Bern aforesaid, and all the Pleadings and Proceedings thereon shall be carried on and transacted in the said Court, until the Cause shall be at issue; and that when such Causes shall be at issue full Power and Authority is hereby given to the said Court to issue out a Writ of Nisi Prius and Subpoena for Witnesses to appear and to transmit a Transcript of the Record of the Proceedings and Pleadings in all Actions to the proper Place for the Tryal of the Issue before appointed for that Purpose in the same Manner according to the Method, and as near as may be agreeable to the Practice of the Court of Common Pleas or King's Bench at Westminster.

VIII. And be it further Enacted, That the said Chief Justice, or such other Person or Persons, in Case of Sickness or Disability of the Chief Justice, as shall from Time to Time be appointed Justice or Justices of Assize, Oyer and Terminer, and General Gaol Delivery, shall have full Power and Authority to try at the respective Places and Times aforesaid all Issues remaining to be tryed in any of the said Records, as aforesaid, and to cause Juries to be summoned and sworn, and all Things relating thereto to proceed according to and as near as may be, agreeable to the Method used and practised by the Judges of Assize, Oyer and Terminer, and General Gaol Delivery in England.

IX. And be it further Enacted, that the said Chief Justice or Justices of Assize, shall, upon the said Transcript of the Record, certify under his or their Hands and Seals the Verdict of the Juries, and the whole Proceedings had thereupon, and to return or cause the same to be returned and filed in the General Court Office in New Bern aforesaid. And the General Court is hereby empowered to enter or cause Judgment to be entered thereupon, and to issue Execution and in all things to proceed and Act as near as may be agreeable to the Proceedings of the Court of Common Pleas and King's Bench at Westminster.

X. And be it further Enacted, by the Authority aforesaid, That a Commission of Oyer and Terminer, and General Gaol Delivery shall be made out under the Seal of the Province empowering the said Chief Justice, or other Person, to hear and determine all Treasons, Murders, Burglaries, Felonies, Trespasses and Crimes of what Nature or Kind soever, committed, or which shall hereafter be committed, in the several and respective Counties at the several Times and Places hereby appointed for the Tryal of Civil Actions on the Circuits; and the said Chief Justice, or other Persons, empowered as aforesaid, are hereby directed and authorized to try all Persons against whom any Indictment shall be found or Presentment made or Information exhibited for any Crimes committed in any of the said Counties, and to proceed thereupon at the same Places hereby appointed for the Tryal of Issues by Nisi Prius, where the Visne shall be laid in any of the several and respective Counties aforesaid, by a Jury of Freeholders of the said Respective Counties, and to give Judgment and award Execution, as near as may be, agreeable to the Method and Practise of Judges of Assize, Oyer and Terminer, and General Gaol Delivery, in England.

XI. And be it further Enacted, by the Authority aforesaid, That the Issues in all Actions and Plaints whatsoever, where the Visne is laid in any other County than before mentioned, and all Prosecutions for Criminal Matters, where the Fact in the Indictment is laid to be committed in any other County than before mentioned, shall be heard and tryed at the General Court to be held at New Bern.

XII. And be it further Enacted, That there shall be Three Several Clerks of the Assize, to-wit, One for the New Bern Circuit, who shall reside and keep his Office in Edenton; and one for the Western Circuit, who shall reside and keep his Office in the said County of Edgecomb; and One other for the Southern Circuit, who shall reside and keep his Office in Wilmington: Which said several Clerks shall keep a Record of all the Criminal Prosecutions and other Prosecutions at the suit of his Majesty heard and determined before the Justices of Assize, Oyer and Terminer, and General Gaol Delivery within their respective Circuits; which said Clerk shall be appointed by the Clerk of the Crown for the Time being, and also that the Chief Justice of this Province for the Time being shall appoint a Clerk or Clerks, who shall attend the Courts of Nisi Prius: And the said Clerks so to be appointed by the Chief Justice, and Clerk of the Crown, are hereby vested with the same Power and Authority to Act in their several and respective Offices as Clerks of Assize and Nisi Prius can, may or ought to do, on the Circuits in England.

XIII. And be it further Enacted, That the several Clerks shall take and receive for the Business on the several Circuits the same Fees as by Law appointed for the Clerk of the General Court, for the like Services; and for making the Postea on the Circuits Two Shillings and Eight Pence, Proclamation Money.

XIV. And whereas the said Chief Justice and Attorney General must necessarily be at Great Expence in riding the Circuits and holding the Courts at the respective Times and Places aforesaid, Be it further Enacted, by the Authority Aforesaid, That the Chief Justice for his Trouble and Expence in riding and attending the said several Circuits shall have and receive the Sum of Two Hundred Pounds, Proclamation Money, Annually; and the Attorney General, Sixty Six Pounds Thirty Shillings and Four Pence, Proclamation Money, Annually; to be paid out of the Tax hereinafter laid for that Purpose by a Warrant under the Hand of the Governor or Commander in Chief for the Time Being.

XV. And to raise Money for defraying the Charges in building the Public Offices and paying the said Officers of the Circuit, Be it Enacted, by the Authority aforesaid, That from and after the Ratification of this Act a Tax of Four Pence, Proclamation Money, per Poll shall be Annually levied on the taxable Persons within this Province and collected by the Sheriff of the respective Counties at the Time all other Taxes are collected and paid, for and during the Space of Two Years, to be paid and applied in Manner following: that is to say: All the Money arising by the said Tax within the Counties of Craven, Beaufort, Hyde, Carteret and Johnston shall by each Sheriff be, at the usual Time, Annually accounted for and paid to Mr. John Barrow, Mr. James Macklewean, Mr. Thomas Pearson, Col. Thomas Lovick, and Mr. John West, or the Majority of them, for and towards the erecting the Offices and other Public buildings at New Bern Town as they, or the Majority of them, shall think necessary and convenient: And all the Monies arising by the said Tax within the Counties of Bertie, Tyrrell, Chowan, Pequimons, Pasquotank and Currituck shall be paid to Mr. Joseph Blount, Mr. John Benbury, Mr. Peter Payne, Mr. Caleb Wilson, Mr. Stephen Lee, Mr. John Wynne and Mr. Luke Sumner; to be by them applied towards repairing the Court-house for holding the Assizes at Edenton and finishing the Gaol, as they, the said Mr. Joseph Blount, Mr. John Benbury, Mr. Peter Payne, Mr. Caleb Wilson, Mr. Steven Lee, Mr. John Wynne and Mr. Luke Sumner, or the Majority of them, shall think necessary and convenient: And all the Monies arising by the said Tax within the Counties of Edgecomb, Northampton and Granville shall, by each Sheriff, at the Usual Times, be Annually accounted for and paid to Mr. John Haywood, Mr. John Edwards, Dr. James Payne, Mr. John Dawson, and Mr. Joseph Howell, to be applied by them, or the Majority of them, towards erecting the Office and other Public Buildings for holding the said Court of Assizes in Edgecomb County aforesaid: And all the Monies Arising by the said Tax within the Counties of Bladen, New Hanover and Onslow shall be paid to Mr. Rufus Marsden, Col. Edward Hyrne, Mr. Thomas Jones, Mr. John Starkey, and Mr. Griffith Jones; to be by them applied towards finishing a Court-house at Wilmington and building a Gaol, as they, the said Mr. Rufus Marsden, Col. Edward Hyrne, Mr. Thomas Jones, Mr. John Starkey and Mr. Griffith Jones, or the Majority of them, shall think necessary and convenient: All which said Persons shall account with the General Assembly for all the Monies by them respectively received and applied towards the Uses aforesaid.

XVI. And be it further Enacted, by the Authority aforesaid, That also a Tax of Four Pence, Proclamation Money, per Poll, Annually, shall be levied on each and every taxable Person within this Province for and during the Term of Three Years, and no longer, and shall be collected by the Sheriff of each respective County in this Province at the Time all other Taxes are collected and paid, and shall be paid into the General Assembly of this Province and by them applied towards defraying and paying the said Chief

Justice and Attorney General, as a Recompence for their Trouble and Expence of going the Circuits: And if any Surplus shall afterwards remain, then the same shall Yearly be applied by the General Assembly towards defraying the Public Debts of this Province.

XVII. And for the better establishing the several Courts of Justice of this Province, settling when the same shall be held; and for regulating the proceedings for the speedy hearing and determining the Suits and Actions brought therein, Be it Enacted, That the Court of Chancery shall be held at New Bern Town on the Second Tuesday after the meeting of every General Court, and may be adjourned from Day to Day, 'til all the Suits and Business then depending in the said Court of Chancery shall be finished.

XVIII. And be it further Enacted, by the Authority aforesaid, That the Proceedings of the said Court of Chancery shall be according to the Rules heretofore made by the said Court, and such as shall be hereafter made by the said Court for the regulating the Practice therein, and for the speedy carrying on and determining all Suits therein commenced; and that all Rules now made, and hereafter to be made, shall be fixed up in the Office by the Clerk of the Chancery, that all Persons concerned may have Recourse thereto.

XIX. And be it further Enacted, by the Authority aforesaid, That the Supreme and Principal Court of Pleas to be held at New Bern, for his Majesty's Province, on the Days and Times hereinafter directed, shall be, and is hereby established, by the Name of the General Court of North Carolina, and shall consist of the Chief Justice for the Time being and Three Associate Justices, to be commissioned by the Governor or Commander in Chief for the Time being under the Seal of the Province: Which said Associates shall be vested with the same Power and Authority as Associate Justices in England usually have; and shall also, in Case of Sickness or Disability of the Chief Justice, or where he shall be a Party, have full Power and Authority to hold the said Court and to hear and determine all Causes and Matters cognizable therein.

XX. And be it further Enacted, by the Authority aforesaid, That all original Process, either by Writ or Summons, or any other Manner or Means to bring any Person or Persons whatsoever to answer any Action, Suit, Information, Bill or Plaint in the General Court, and all and every other Process at the Common Law whatsoever (Except Summons or Subpoena for Witness) regularly and legally belonging or appearing to, for or concerning any Cause, Suit, Matter or Thing depending or to be depending or prosecuted in the General Court shall be issued by the Clerk of the General Court and signed by and bear test of the Chief Justice for the Time being.

XXI. And be it Enacted, by the Authority aforesaid, That in all such Writs and Process (except Subpoenas to summons Evidences, which may be made returnable immediately) shall be returnable on the first day of every General Court, and shall be executed at least Ten Days before the Day mentioned therein for return thereof: And if any Person takes out original Process whilst the General Court is sitting, or within Ten Days before the Beginning of any General Court, such Process shall be made returnable to the next General Court after that then sitting or beginning within Ten Days, as aforesaid, and not otherwise; and all such Process issued, made returnable or executed at any other Times and in any other Manner than is herein directed shall be, to all Intents and Purposes, null and void.

XXII. Provided always, That the Two next succeeding General Courts shall be held at Edenton in the Months of March and July, as usual; and all Process shall bear Test and be returned to the said Courts accordingly,

and that afterwards all Process shall bear Test and be returnable to the General Court to be held at New Bern.

XXIII. Provided also, That nothing herein contained shall extend to be construed to invalidate or vacate any Process, Warrant or other Mandate or Precept issued by any of the Judges or Justices of the General Court or other Justices of the Peace, or by the Clerk of the Crown on any Criminal Prosecution or in his Majesty's Behalf, but that the same may be returnable any Day in the Sitting of the General Court, and the Proceedings in all Criminal suits and Prosecutions shall be had according to the Laws and Statutes of Great Britain and this Province; anything herein contained to the contrary in any wise notwithstanding.

XXIV. And be it further Enacted, by the Authority aforesaid, That from and after the Fifteenth Day of July next, when any Writ shall issue whereby the Sheriff is commanded to take the Body of any Person or Persons to answer unto any Plaintiff or Plaintiffs in any Action in the General Court, the Sheriff shall return therewith a Bail Bond with Two sufficient Securities for double the Sum for which the Person or Persons shall be held in arrest (Executors or Administrators excepted), unless special Cause shewn to the contrary to the Clerk's Office on or before the first Day of every Court.

XXV. Provided, nevertheless, That in all Actions where the Damages are uncertain and the Defendant in Custody, or hath given Bail to such Action or Actions, it shall and may be lawful for the Defendant to apply to the Chief Justice or any of the Associate Justices for a Summons to summon the Plaintiff or his Attorney at such a Time and Place therein mentioned to appear and shew Cause of Action against the Defendant; which, if the said plaintiff fail to do, or by the Nature of the Action Bail is not required, the Defendant shall be Discharged, and the Plaintiff accept of an Appearance as in other Cases: And if it shall appear to the said Chief Justice, or any of the Associate Justices, from the Nature of the Action that Bail is required, the Plaintiff shall swear to his Cause of Action and the Defendant enter into Bond with Two Sureties for double the Sum or Damage sworn to by the said Plaintiff: And if the Sheriff shall not return Bail, or the Bail returned shall be found insufficient on Exception taken, then, and in such Case, the Sheriff shall be deemed, taken and stand as Special Bail for the Defendant; and the Plaintiff shall not be delayed in his Suit or Action, but shall and may proceed according to the Rules hereafter mentioned, and on Judgment or Recovery shall take out Execution against the Defendant, or Sheriff, or both, at his Election; any Law, Usage or Custom to the Contrary notwithstanding.

XXVI. Provided always, That if the Defendant puts in Special Bail before the Time to plead given him by the Rules hereafter mentioned is expired, then the said Sheriff shall be discharged.

XXVII. Provided also, That the Sheriff may surrender the Defendant in Discharge of himself any Time Judgment is obtained against the Defendant.

XXVIII. And be it further Enacted, That when any Sheriff shall return that he hath taken the Body of any Defendant, and commit him to prison for want of Bail, the Plaintiff may enter the Defendant's Appearance, and the Defendant shall be at Liberty to plead as if such Appearance has been entered by himself, and the Plaintiff may proceed on to Judgment, as in other Cases in this Act directed; nevertheless, such Defendant shall not be discharged out of Custody but by putting in Bail.

XXIX. And be it further Enacted, That if any Sheriff shall neglect to execute any Writ or Writs issuing out of the General Court, which shall be

delivered unto him Twenty Days before the Court's sitting, or any Writ or Writs issuing out of the County Courts, which shall be delivered unto him Fifteen Days before the Court's sitting, that then the said Sheriff shall for every such Neglect at the Motion of the Plaintiff proving such Delivery, be ordered and obliged to pay to the Party grieved all Costs and Charges that may accrue in taking out such Writ or Process, and be further liable to the Suit of the Party injured, unless the said Sheriff can shew sufficient Cause to the Court from whence such Process Issued to be by the Court allowed why he could not execute the same.

XXX. And be it further Enacted, That no Person who has given Bail Bond to the Sheriff with sufficient Sureties, and shall be adjudged good by the Court, shall be compelled to put in special or any other Bail; but that such Person named in such Bond shall be deemed and taken to be Special Bail and liable in the same Manner to the Recovery of the Plaintiff; and that the Plaintiff, after final Judgment, shall not take out Execution against such Bail until an Execution first be returned that the Principal is not to be found, to satisfy such Judgment; and shall also take out a Scire Facias, returnable to the same Court, which shall be served on the Bail; and that after the Return of such Execution against the Principal and Facias aforesaid, or against the Bail, Execution may issue against the Securities or their Estates, unless the Bail shall surrender the Defendant at or before the return of the Scire Facias without any other Processes issuing: Any Law, Usage or Custom to the contrary notwithstanding.

XXXI. And for the better ascertaining what Process may or shall be issued when the Sheriff shall return that the Defendant is not to be found within his Bailiwick, Be it Enacted, That where the Sheriff shall make Return as aforesaid the Plaintiff or Plaintiffs in any Action shall and may sue out an Attachment against the Defendant's Estate, returnable as is hereinbefore directed for the Return of original and other subsequent Process, whereupon to force an Appearance or Capias by Continuance at the Election of the Plaintiff or Plaintiffs; and if the Sheriff shall return any Goods by him attached, and if the Defendant do not plead to the said Action within the Time limited, as is hereafter directed, the Plaintiff shall be entituled (if in an Action of Debt) to a final Judgment, and if in an Action on the Case to a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next ensuing Court or Assize; and the Goods so attached shall remain in the Custody of the Sheriff 'til such Judgment obtained, and then to be disposed of in the same Manner as Goods taken in Execution on a Writ of Fieri Facias; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have another Execution for the Residue.

XXXII. And be it further Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, upon Suspicion of any Person or Persons intending to remove from his Place of Residence, and that he is about to withdraw himself and his effects out of this Government so that Process cannot be served on his Body, or that he hath already removed himself, the Chief Justice or any Justice of the General Court or any Justice of the County Courts, may grant an Attachment at the Prayer of the Party to whom such Person removing or absconding is indebted, or hath done any Damage or Injury against the Estate of such Person, returnable to the Court where the Debt or Matter is cognizable, as is herein directed for original Writs; and that such Attachment shall be deemed the leading Process to such Action, and the same Proceedings had thereon as on an Attachment on a Return of Non est inventus by the Sheriff: But before such Attachment shall be granted the Party moving for the same shall make Oath of such his

Suspicion, and that he verily believes such Person is about to withdraw himself and Effects, or hath withdrawn himself; and shall also enter into Bond to the Defendant with sufficient Sureties to satisfy all Costs and Damages that may accrue and be awarded to the Defendant in Case such Plaintiff shall fail to prosecute or be cast therein; which Bond shall be returned by the Justice into the Court where the same is cognizable.

XXXIII. Provided always, that the Goods so attached in either Case, as aforementioned, shall and may be replevied by Appearance and Special Bail being given, if the Defendant shall be ruled to give Bail by the Court.

XXXIV. And be it further Enacted, by the Authority aforesaid, that where any Person Inhabitant of any other Colony or Place shall be indebted to or hath done any Tort or Injury to any Person resident and an Inhabitant of this Province, and cannot be personally served with any Process, and hath Effects in this Government, any Justice may grant an Attachment on the Party's making Oath to the Truth of such his Allegation against the Estate of such Person, returnable into the Court where the Debt or Matter is cognizable, so as to compell an Appearance; and the same Proceedings shall be had thereon as is before mentioned.

XXXV. Provided always, That the Goods so attached shall and may be replevied by Appearance and putting in Special Bail, if the Defendant shall be ruled to give Bail by the Court: And if the Party shall be ruled to give Special Bail in any of the aforesaid Cases and cannot produce such Bail, the Goods so attached shall remain in Custody of the Sheriff and such Person shall be admitted to plead as if he had given Bail, and the Goods left in the hands of the Sheriff after Judgment obtained shall be liable to the Recovery and Execution of the Plaintiff; and if such Goods are not found sufficient to satisfy the Plaintiff's Judgment, Execution may issue for the Residue or the Plaintiff may bring his Action on such Judgment for the Sum unpaid and unsatisfied.

XXXVI. And whereas, divers Persons Possessed of Estates and Lands, Tenements and Hereditaments in this Province, having contracted Debts or which shall hereafter contract Debts with Traders or other Persons residing here, have and may depart the Province without leaving personal Estate sufficient to satisfy the same, and there not being suitable Provision made whereby the Lands of such Debtors may be subject to satisfy such Debts: For Remedy whereof,

XXXVII. Be it Enacted, by the Authority aforesaid, that any Justice shall and may grant an Attachment at the Prayer of the Person to whom such Person or Persons as aforesaid is or are indebted, directed to the Sheriff of the County where the Lands lie, returnable to the Court where the Master is cognizable: And if the Sheriff returns that the Person hath no Goods to be found in his Bailiwick, the Court shall grant Judgment for the debt, due proof thereof being first made; which said Judgment shall be final in Actions of Debt; and in other actions a Writ of Enquiry shall, at the Motion of the Plaintiff, be then executed, or at the Assize, according as the Visne is laid; upon which Judgment a Writ of Fieri Facias shall be awarded, returnable to the next succeeding Court.

XXXVIII. And be it further Enacted, That if the Sheriff return the aforesaid Writ of Fieri Facias, no Goods to be found in his Bailiwick, in such Case the Court shall nominate and appoint Five Freeholders of the said County, who on Oath, shall value and appraise the Lands of the said Defendant, or so much thereof as shall be sufficient to satisfy the aforesaid Judgment and all accruing Costs, and shall return such Appraisement, under their Hands, to the next succeeding Court after such Appraisement;

and thereupon the Court shall order the lands so appraised to be put into the Possession of the Plaintiff at the appointed Value; which order shall be a good and sufficient Title to the Plaintiff, his Heirs and Assigns, forever, against the Defendant, his Heirs and Assigns; Any Sale of such Lands made in Foreign Parts, Act, Law, Usage or Custom to the Contrary notwithstanding.

XXXIX And for a more speedy Determination of all Causes depending in the general Court than can possibly be obtained by the present Practice, Be it Enacted by the Authority aforesaid, That from and after the Fifteenth Day of August next, these following Rules and Methods shall be observed; to-wit:

That the Plaintiff shall file his Declaration on or before the Second Day of every Court or Term, in the Office of the Clerk of the General Court, and serve the Defendant with a Copy of such Declaration at least Ten Days before the sitting of the Court to which such Suit is Brought; or a Non-pross shall be entered by the Defendant.

That the Defendant shall appear and plead or demur, within the first Four Days of the Term to which the Writ is returnable; otherwise the Plaintiff shall have Judgment by Default, which in Debt, shall be final, unless the Damages are to be suggested on the Roll; in that Case and in all Actions where the Plaintiff shall recover in Damages a Writ of Enquiry shall be executed at the next Court, or at the Assizes: Provided, that where the Nature of the Action requires Special Pleading, the Court may enlarge the Time on sufficient cause shewn.

That where the Defendant pleads specially, the Plaintiff shall reply in Four Days, or a Non-pross shall be entered by the Defendant; and if the Plaintiff replies, and in his Replication tender an Issue, the Defendant shall join Issue or demur in Four days; and when the Defendant rejoins to the Plaintiff's Replication he shall file his Rejoinder in Four Days, or Judgment shall in either case, go against the Defendant by Default, unless the Time for such Pleadings shall be enlarged by the Court as aforesaid; and the same Time shall be given, and Rules observed, through the whole Courts of Pleadings.

That all Issues shall be tried at the next succeeding Court or at the next Assize after the issue Joined, without any Notice given by the Attorney of either side, nor shall such Cause be continued or delayed, unless Special Cause be shewn to and approved of by the Court.

That the Clerk of the General Court shall enter in a particular Docket for that Purpose, all such Cases, and those only, in which any issue is to be tried, Writ of Enquiry to be executed, Special Verdict or Demurrer to be argued, in the same order as they stood in the Proceedings.

That where a Special Verdict shall be found or where there shall be a Demurrer to Evidence, or Bill of Exception, Time shall be allowed, upon Motion of either Party to the next General Court, to argue the same.

That for the more entire and better Preservation of the Records of the Court where any Cause is finally determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book to be kept for that Purpose, so that an entire and perfect Record may be made thereof.

That all Causes to be tried by Jurors, be first heard.

That all Motions in Arrest of Judgment shall be argued in the Four Last Days of the Term the Issue is tried, or the Court after any issue shall be tried at the Assize; the Defendant's Attorney first serving the Plaintiff's

Attorney with a Copy of the Reasons in Arrest of Judgment the next Day after such Motion.

That all Arguments on Writs of Error, Special Verdicts and Demurrers, be heard on the Four last Days of the Term, and at no other Time.

XL. And be it further Enacted, That all the Statutes of Jeofails which are now in force in England are hereby declared to extend and be in Force here; and that the same be duly observed by all the Judges and Justices of the several Courts of Record within this Province, according to the True Intent and Meaning of the said Statutes; any Law, Usage, or Custom, heretofore made to the Contrary, notwithstanding.

XLI. And to the End that a certain Time be limited for the sittings of the General Court and that Persons who have any Suit or Matter there depending, may the better know when to attend, and that their Business may be the better dispatched; Be it Enacted, by the Authority aforesaid, That the General Court shall be held at New Bern Twice every Year, to-wit: On the Second Tuesday in September and March, Yearly, and every Court shall continue to be held Twelve Days, Sundays exclusive, and no longer.

XLII. Provided nevertheless, That if all Suits and other Matters depending in the said Court, shall be ended in less Time than the Days appointed by this Act for the said Court to be holden, it shall and may be lawful to adjourn the same until the next succeeding General Court.

XLIII. And be it further Enacted, by the Authority aforesaid, That the first General Court to be held at New Bern, shall begin on the Second Tuesday in September, next after the Ratification of this Act; to which Time and Place all Business depending in the General Court in July next shall stand continued and adjourned.

XLIV. And forasmuch as in many Cases in the Tryal of Matters of Fact in the General Court it may be necessary to examine several Witnesses, That the Truth in such Cases may be the better known; Be it Enacted by the Authority aforesaid, That the following Orders, Rules and Methods in taking of Affidavits of Witnesses, in all Cases depending or to be depending in the said Court, and every of them, be observed and put in Practice, to-wit,

That in all Causes where Witnesses are to appear at the General Court, a Summons shall be issued by the Clerk, for the Time being, directed to the Sheriff of the County where such Persons reside, expressly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose request they are Summoned.

That every Subpoena, made returnable immediately, shall be personally served on any Person who is thereby summoned as a Witness to attend the General Court.

That a Copy of any Subpoena or Summons, issued by the Clerk in the Vacation and returnable on the first day of Court, or any other Day of the Court, or on the first day of the Assize, in Case the Person therein named be not found at home at the Time of going to serve the same, left at the usual Residence or Abode of such Witness or Witnesses therein named, by the Sheriff, Five Days before the return of such Writ, shall be deemed a Good and Valid Service, and the Person thereby bound to appear.

XLV. And be it further Enacted, That if any Person be summoned to attend accordingly, every such Person so failing shall forfeit to the Person or Persons at whose Suit the Summons issued, Twenty Pounds Proclamation Money; and shall be further liable to an Action on the Case, what Damages such Person shall sustain, for want of such Witness's Testimony.

XLVI. Provided always, That if sufficient Cause be shewn by the Person so summoned, and failing to appear, of his or her incapacity to attend at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure, But if sufficient cause be not shewn at the next succeeding Court after such Failure, upon Notice given, it shall and may be lawful for the said Court upon Motion of the Party for whom such Witness was summoned, to grant Judgment for the Forfeiture aforementioned, against the Person or Persons so summoned and failing to appear, as aforesaid.

XLVII. And be it further Enacted, That if any Witness by Sickness, Age, or other lawful Disability, be incapable of attending to give his or her Evidence, according to such Summons on Oath made thereof, the Judge or Justices of the General Court where such Suit is depending, shall or may, by a Commission or Commissions from time to time as need may require, empower such and as many Persons as they shall think fit and necessary, in any County within this Government, to take and receive all and every of the Depositions of any Person or Persons so disabled, as aforesaid.

XLVIII. Provided always, that the Party praying for and obtaining such Commission or Commissions for taking and receiving any Depositions aforesaid, shall make known to the other Party against whom the same is to be taken, the Time and Place of the Execution of every such Commission, at least Ten Days before the Day for such Execution; who shall have Liberty to cross examine such Witnesses; and all Depositions otherwise taken than is herein directed, shall be to all Intents and Purposes, null and void.

XLIX. And be it further Enacted, That if any Persons whatsoever, be summoned as a Witness, and upon his or her appearance in the General or County Court, or before the Person appointed to take Depositions as aforesaid, shall refuse to give Evidence, upon Oath, such Person so refusing, shall immediately be thereupon committed to the Common Gaol, there to remain without Ball or Mainprize, until he or she shall be willing to give Evidence, upon Oath, in such Manner as the Law now doth, or at any Time hereafter, shall direct.

L. Provided always, that the People called Quakers, shall have the same Liberty of giving their Evidence, by way of Solemn Affirmation or Declaration, as by an Act of Parliament, made in the Eighth Year of the reign of the late King George, intituled An Act, for granting to the People called Quakers, such Forms or Affirmation or Declaration, as may remove the Difficulties which many of them lie under; and that all Negroes, Mulattoes, bond and free, to the Third Generation, and Indian Servants or Slaves, shall be deemed and taken to be Persons incapable in Law to be Witnesses in any Cause whatsoever, except against each other.

LI. And be it further Enacted, That during the Attendance of any Person summoned as a Witness at the General or County Courts, and as the said Person shall be going to and returning from the Place of such Attendance, allowing One Day for every Twenty Five Miles such Person's Residence shall be distant from the same, no Person whosoever shall serve or execute, or cause to be served or executed, upon any Person so attending, going to or returning from such Place of Attendance as aforesaid, any Writ, Process, Warrant, Order, Judgment or Decree in any Cause; and if such shall be served or executed, the same shall be void, to all Intents and Purposes.

LII. And be it further Enacted, That for every Mile any Person shall travel, either in going to or returning from the Place where he or she shall be summoned to appear as a Witness, there shall be paid to him or

her by the Person or Persons on whose behalf the Summons issued, Three Half Pence, Proclamation Money, per Mile, together with the necessary Charges of Ferriage in going to and returning, and Two Shillings Proclamation Money, Per Day, for every Day's attendance from the time appointed for Appearance, until the Time such Person shall have given his or her Evidence, or shall be discharged.

LIII. And be it further Enacted, That in any Bill of Costs there shall not be allowed the Charge of above Three Witnesses to the Proof of any one particular Matter of Fact.

LIV. Provided always, that no Suit shall be brought to the General Court for a less Sum than Five Pounds, Proclamation Money, unless the Plaintiff and Defendant live in different Counties.

LV. And for the better Establishing the County Courts within this Province, and regulating the Proceedings therein; Be it Enacted, That in every County within this Government respectively, there shall be held Four Courts in the Year, at such Times and Places as heretofore, according to antient Custom and Usage hath been known, used and practised.

LVI. And be it Enacted, by the Authority aforesaid, That the Justices of the aforesaid County Courts, or any Three of them, shall and may take Cognizance of, and are hereby declared to have full Power, and lawful Authority and Jurisdiction to hear, try and determine all Causes, Actions, Suits, Matters and Things at Common Law, where the Debt, Damage and Cause of Action is above Forty Shillings, Proclamation Money, and does not exceed Twenty Pounds like Money; (Actions of Trespass in Ejectment, Writs or Formedon in Descender, Remainder and Reverter, always excepted), and all Petty Larcenies, Assaults, Batteries and Trespasses, Breaches of the Peace, Crimes, Offences, and all other Misdemeanors of what so Kind soever, of an Inferior Nature, may hear, (Forgery and Perjury excepted) by Indictment, Information or Presentment; and all Matters pertaining to Orphans and their Estates, and all Petitions or Filial portions and Legacies, or other parts of Intestates Estates: And that the said Justices of the Peace, and every of them, from Time to Time, and at all Times during their Continuance in that Office, as well out of Court as within, shall have full Power and Authority as amply and fully, to all Intents and Purposes, as Justices of the Peace in the Counties in England, as well out of their Court of Quarter Sessions as within, to preserve, maintain, and keep the Peace within their respective Counties; and in the hearing, trying and determining of all Causes, according to the Authorities and Powers granted to them by this Act, or which shall be granted to them by any other or more Act or Acts, and every of them, shall proceed to do Justice to all Persons whatsoever, according to Law.

LVII. And be it further Enacted, That the Attorney General, for the Time being, is required and Authorized to appoint a Deputy in each County within this Province; which said Deputy shall and may prosecute all Matters, cognizable in the County Court, for and in Behalf of his Majesty, and shall take and receive Thirteen Shillings and Four Pence, Proclamation Money, on each and every Bill of Indictment found, or Presentment made, in the said Court in which he is or shall be Deputy.

LVIII. And that all Persons may be at the greater Certainty when to attend the said Courts; Be it Enacted, by the Authority aforesaid, That The Courts of the several Counties shall be holden on the respective Days and at the respective Places they were usually held, and shall not be adjourned to any other Time than the next succeeding Court which shall be in Course, Quarterly.

LIX. Provided always, That if it shall so happen that all the Causes depending, or to be depending in any of the said Courts, cannot be heard, tried, and determined, upon the Day appointed for holding the Courts respectively, that then, and in all such Cases, it shall and may be lawful for the Justices of such Courts, to adjourn and hold the Court, *de Die in Diem*, so that the said Court shall not continue to be held longer than Five Days; in which Time all Causes and Controversies then depending before them shall be heard, tried, and determined, or continued over until the next Court in Course.

LX. And for the regular and speedy Prosecution and Determination of all Actions and Suits in the said County Courts, Be it Enacted, by the Authority aforesaid, That the following Rules and Methods shall be observed to be the Practice of the several County Courts within this Province: That all Writs, Summons, or other Process, to bring any Person or Persons into Court from and after the said Fifteenth Day of July, next after the Ratification of this Act shall be signed and bear Test by the Clerk of the County Court from Whence such Process Issues.

LXI. And be it further Enacted, by the Authority aforesaid, That all such Writs, Summons, or other Process, (except Subpoenas to summon Evidences, which may be made returnable immediately) shall be returnable on the first Days of such Court, and shall be executed at least Five Days before the Day mentioned therein for Return thereof; and all Declarations shall be served at least Five Days before the Day of the sitting of the Court; And if any Person issues any Writ or Process whilst such Court is sitting, or within Five Days before the Beginning of any County Court, such Writs or Process shall be returnable to the County Court after that then sitting or beginning within Five Days, as aforesaid, and no otherwise; and all Writs and Process issued, made returnable, or executed at any other Times, and in any other Manner than is herein directed, shall be null and void.

LXII. Provided always, That nothing herein contained shall extend or be construed to invalidate or vacate any Writ, Process, Warrant or Precept, issued by any of the Justices of the County Courts on any Criminal Prosecution, or in his Majesty's Behalf, but the same may be returnable on any Day in the sitting of the said Court; and the Proceedings in all Criminal Suits and Prosecutions shall be had according to the Laws and Statutes of Great Britain and this Province: Anything herein contained to the contrary, in any wise notwithstanding.

LXIII. And be it further Enacted, by the Authority aforesaid, That from and after the said Fifteenth Day of July, when any Writ shall issue to take the Body of any Person to answer unto any Plaintiff, in any Action in a County Court, the Sheriff shall return therewith a Bail Bond, with Two sufficient Securities, for double the Sum for which the Person shall be held in Arrest, (Executors and Administrators only excepted) to the Clerk, on or before the first Day of every Court; and if the Sheriff shall not return Bail, or the Bail so returned shall be found insufficient upon Exception taken thereto, then, and in such Case, the Sheriff shall be taken and stand as Special Bail for the Defendant, and the Plaintiff shall not be delayed in his Suit or Action, but shall and may proceed, according to the Rules hereafter mentioned; and on Judgment, or Recovery, shall take out Execution against the Defendant or Sheriff; any Law, Usage or Custom, to the Contrary, notwithstanding.

LXIV. Provided always, That if the Defendant puts in Special Bail, before the Time to Plead given him hereafter mentioned is expired, then the said Sheriff shall be Discharged.

LXV. Provided also, That the Sheriff may surrender the Defendant, in Discharge of himself, any Time before final Judgment is obtained against the Defendant.

LXVI. And be it further Enacted, by the Authority aforesaid, That from and after the said Fifteenth Day of July, the Defendant shall enter his Appearance and file his Plea, whether General or Special, the first Court, which, if he fail or neglect to do, the Plaintiff shall have Judgment, by Default; which said Judgment, in Actions of Debt, shall be final, except where Damages are to be suggested on the Roll, in which Cases, and all others where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed the next Court. That all Issues, whether General or Special, shall be joined, tried, and argued, the next succeeding Court, unless sufficient Cause is shewn to such Court why such Causes shall be continued or laid over to the next Court then Succeeding. That all Causes at Issue, ready for Tryal, shall be first heard and tried. That every Motion in Arrest of Judgment shall be made and argued Ore Tenus the last Day of the same Court the Issue is tried. That where any Special Verdict shall be found, or Demurrer to Evidence filed, at the Motion of either Party, Time shall be allowed to the next succeeding Court for hearing. That the Clerk of every County Court, when any Cause is finally determined, shall enter all the Pleadings and other Matters relating thereto, into a Book to be kept for the Purpose, that an entire and perfect Record may be made up.

LXVII. And for granting of Appeals for the County Courts, to the General Court, and obtaining Writs of Error to the County Court, Be it Enacted, by the Authority aforesaid, That when any Person or Persons, either Plaintiff or Defendant, shall be dissatisfied with the Judgment of the County Court and pray an Appeal to the General Court, such Person or Persons, before such an Appeal shall be granted, shall enter into a Recognizance, with Two sufficient Sureties, for prosecuting the same, and to perform the Judgment of the General Court, and pay the Condemnation Money, in Case the Appellant shall be cast in the said Suit.

LXVIII. And because it often happens, that in issuing of Process, carrying on the Proceedings, and in rendering Judgment in the said County Court, there is Error, to reverse Judgment; Be it Enacted, That when any Defendant is desirous to prosecute a Writ of Error, he shall move the County Court where such Suit is depending, to allow a Writ of Error, he first entering into a Recognizance as above mentioned; and the said County Court is hereby to allow thereof, as if such Writ of Error was then and there produced.

LXIX. And for carrying on, and prosecuting such Appeals and Writs of Error, to and from the General Court; Be it Enacted by the Authority aforesaid, That the following Rules and Methods of Practice shall and may be observed; to-wit:

That when any Person, either Defendant or Plaintiff, conceives he is injured by any Judgment given in the County Court, he may appeal to the General Court, in Manner and Form as above directed; and a Transcript of the Proceedings of the County Court, shall be filed with a Clerk of the General Court, Fifteen Days before the sitting of the Court, and a Tryal de Novo thereon shall be had at the said General Court, or Court of Assize, where the Visne is laid in any County where the Assize is held, and a Transcript of the Proceedings of such County Court shall be sent down from the General Court to the Assize, in Order for such Tryal, without further Notice given by either Party; and if such Transcript of the Proceedings is not filed within the Time aforesaid, with the Clerk of the General Court, or if the Appellant

shall fail to appear at the General Court, to prosecute his Appeal, then the Judgment of the County Court shall be affirmed; provided, that there shall be Thirty Days between the Day of Tryal in the County Court, and the next succeeding General Court: But when it so happens, that there are not Thirty Days between such Tryal and the General Court, such Appeal shall be continued, and a Transcript of the Proceedings transmitted to the General Court then next following: And where any Defendant will prosecute a Writ of Error, he must move the County Court where the same is depending, and enter into a Recognizance, as before mentioned, whereupon a Transcript of the Proceedings shall be filed with the Clerk of the General Court, Fifteen Days before the Court; and the Defendant prosecuting such Writ of Error, shall assign and file Errors Fifteen Days before the Court; and in Case such Defendant shall neglect to file such Writ, and assign Error, as above said, or shall fail to appear and argue such, then the Judgment of the County Court shall be affirmed: Provided, That there shall be Thirty Days between such Motion for obtaining a Writ of Error, and the Time of holding the General Court.

LXX. And in Order to oblige the Clerks of the County Courts to draw Transcripts in such Causes where an Appeal is granted, or Writ of Error allowed, Be it Enacted, That in every County Court within this Government, when an Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make up a full and perfect Record of all the Proceedings in such Causes and shall with twelve days after the adjournment of the said Court, give an attested Transcript of such Record to the Person appealing, or to whom the Writ of Error is allowed; and every Clerk neglecting to do the same, shall forfeit and pay, to the Appellant, or Defendant, the Sum of Five Pounds, Proclamation Money; to be recovered, by such Appellant or Defendant, by Action of Debt, Bill, Complaint, or Information, in the County or General Court; wherein no Essoign, Injunction, or Wager of Law, shall be allowed of: And the said Clerk shall also be liable to an Action on the Case for Damages, to be recovered by the Person who is hereby intitled to an attested Transcript.

LXXI. And be it further Enacted, by the Authority aforesaid, That all and every Clerk and Clerks of the several County Courts within this Province shall be obliged to attend, One Day in every Week, either at his Place of Abode in the said County, or at the Clerk's Office, to-wit, every Monday, from Nine of the Clock in the Morning, 'til One, and from Two 'til Five, in the Afternoon; and every Clerk, on Failure thereof and neglecting the Business of the County, for his Non-attendance, shall forfeit and pay, to any Person who hath Business with the said Clerk, and wants any Thing from his Office, who shall sue for the same, Five Pounds, Proclamation Money; to be Recovered by Action of Debt, Bill, Complaint, or Information; wherein no Essoign, Injunction, or Wager of Law, shall be allowed of.

LXXII. And be it further Enacted, by the Authority aforesaid, That no Writ, Process, Action, Suit, Complaint, or Prosecution, depending in the General or County Courts within this Province, shall be discontinued by Reason or Cause of Sickness happening to the Chief Justice, or any of the Justices of the County Courts, or on his or their failing to meet on the Day, and at the Time appointed, to hold such Court and Courts; but that all Writs, Process, Actions, Suits, Complaints, Prosecutions, and all Matters and Things incident thereto, shall be continued, and be in Force and Virtue, as if such General and County Courts had been regularly holden; and that it shall and may be lawful for any Associate Justice, in the General Court, or

any one Justice of the County Court, to adjourn the said Court, de Die in Diem; any Law, Custom or Usage, to the contrary, notwithstanding.

LXXIII. And be it further Enacted, by the Authority aforesaid, That the Act, intituled, An Act for ascertaining the Time and Method for executing and Return of original Writs, and for the better regulating divers Proceedings in the Court of Pleas; the Act, intituled An Act concerning Evidences; the Act, intituled, an Act for the Relief of such Creditors whose Debtors, having Lands in this Government, depart without leaving personal Estate sufficient to pay their Debts; and so much of the act, intituled, an Act concerning Appeals and Writs of Error, as any way relates to Appeals and Writs of Error; the Act, intituled an Act for Regulating Proceedings on original Attachments; and the Act, intituled, An Act for appointing Circuit Courts, and for enlarging the Power of the County Courts; and every Clause and Clauses, Article and Articles of them, and every of them, as are within the Purview of this Act, is and are hereby Repealed, to all Intents and Purposes whatsoever.

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

Eleazer Allen, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1746.

At a General Assembly, held at New Bern, the Seventh Day of March, in the Year of our Lord One Thousand Seven Hundred and Forty Six. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum and distilled Liquors and Rice imported into this Province.

I. Whereas for want of the Laws of this Province being revised and printed, the Magistrates are often at a Loss how to discharge their Duty, and the People transgress many of them through want of knowing the same: Wherefore,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnson, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the Honourable Edward Moseley, Esq.; Samuel Swann, Esq.; the Honourable Enoch Hall, Esq.; and Mr. Thomas Barker, or the Majority of them, be, and they are hereby nominated and appointed Commissioners, to revise and print the several Acts of Assembly in Force in this Province.

III. And be it further Enacted, That the said Commissioners shall revise the said Acts of Assembly, and compile them in one Body, and make an Index, Marginal Notes, and References thereto, and shall lay the same before the next succeeding General Assembly after they shall have so revised and compiled them, to be ratified and confirmed; and such only of the said Commissioners as shall revise the Laws, shall have and receive for their Trouble in revising and compiling the said Acts, the Sum of Sixty Pounds, Proclamation money; to be paid by the General Assembly, out of the Duty on Wine, Rum, and distilled Liquors, and Rice, arising and made by Virtue of this Act.

IV. And be it further Enacted, That after the said Acts shall be revised and compiled by the said Commissioners, or the Majority of them, as aforesaid, and ratified and confirmed by the General Assembly, the same shall, with all convenient Speed, be printed, by the several Commissioners, or the Majority of them, who shall furnish and deliver several Books of the said Laws, well bound, and Lettered on the Back, to the several Officers, Offices, and Courts, hereinafter mentioned; that is to say, One to his Excellency the Governor, One for the use of his Majesty's Council, One for the use of the General Assembly, One for the use of the Secretary's Office, One for the use of the General Court, and One to each and every County Court respectively in this Province: And such only of the said Commissioners who shall revise the Laws as aforesaid, shall have and receive, for printing the said Acts, and furnishing and delivering the several Books aforesaid, the Sum of One Hundred Pounds, Proclamation Money; to be paid by the General Assembly, out of the Money arising by the Duty before mentioned; and also, the Benefit and Advantage of the sole Printing and Vending the Books of the said

Laws, for and during the Space or Term of Five Years; and shall not take or receive above the sum of Fifteen Shillings, Proclamation Money, for each Book by them so printed.

V. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall import into this Province, any printed Book or Books, or shall sell, or offer to Sale, any Printed Book or Books of the said Laws, within the Term of Five Years, without the Licence of the said Commissioners, their Heirs or Assigns, other than such as shall be printed by the Order, and Approbation of the said Commissioners, their Heirs or Assigns, such Person or Persons shall forfeit and pay, to the said Commissioners, their Heirs or Assigns, the Sum of Five Pounds, Proclamation Money, for each and every Book so imported, sold, or offered to Sale, contrary to the true Intent and Meaning of this Act; to be recovered in the same Manner as other Forfeitures in this Act.

VI. And be it further Enacted, by the Authority aforesaid, That if any Surplus of the Money arising by Virtue of this Act, shall remain, after the Payment of the said several Sums to the Commissioners aforesaid, for revising and compiling, printing, furnishing, and delivering the said several Books aforesaid, the same shall be applied, by the General Assembly, for and towards discharging the Public Debts of this Province.

VII. And be it further Enacted, by the Authority aforesaid, That the several Books of the Laws, revised and printed by the said Commissioners, or the Majority of them, as aforesaid, shall be allowed to be given in Evidence in all and every of the Courts of Judicature in this Province, and before any Magistrate or Magistrates, in any Matter or Controversy depending before them.

VIII. And for furnishing the Commissioners aforesaid, with a true and perfect Copy of the said Laws, Be it Enacted, that the Secretary of this Province shall make out and deliver, to the said Commissioners, or the Majority of them, a true and perfect Copy of the said Laws now in Force, and the Titles of such as have been repealed or become obsolete, which shall be by the said Commissioners, or Majority of them, examined with the Original; for which Copy, and for transcribing and sending Copies of this Act to the several Receivers of the Duties laid in this Act, (which he is hereby required immediately to do,) he shall have and receive the Sum of Twenty Pounds, Proclamation Money, to be paid by the General Assembly, out of the Money arising by Virtue of this Act.

IX. And for raising the said several Sums of Money, hereinbefore mentioned to be paid to the said Commissioners, for revising the said Acts, and printing and delivering the said several Books aforesaid; Be it Enacted, by the Authority aforesaid, That for every Gallon of Wine, Rum, and other distilled Liquors, which, from and after the first Day of May, next after the Ratification of this Act, shall be imported or brought into this Government, from any Port or Place, (Great Britain excepted,) either by Land or Water, the Duty of Three Pence, Proclamation Money or Bills equivalent, or the value thereof in the same Liquor for which the Duty is payable, at the Rate of Two Shillings and Eight Pence, Proclamation Money, per Gallon, provided the Sum payable amounts, in the whole to, and is paid in, a full Cask of the said Liquors, containing Fifteen Gallons, which shall be sold at Public Vendue, to the highest Bidder, for ready Money, first giving Ten Days' Notice of such Sale; and also, the Duty of Three Shillings and Four Pence, Proclamation Money, for every Hundred Pounds of Rice, that shall be imported as aforesaid, shall be paid by the Importer or Owner of the

same, until the First Day of May, which shall be in the Year of Our Lord One Thousand Seven Hundred and Forty Nine, and no longer.

X. And be it further Enacted, That no Wine, Rum, or other distilled Liquors, or Rice, shall be landed, put on Shore, or any other way delivered, out of the Vessel importing the same, before due Entry, on Oath, made thereof, with the Officer or Officers in this Act hereafter appointed, for receiving of the Duties in the Port or Place wherein the same shall be imported, or before the said Duty shall be fully satisfied and paid, or secured to be paid, and a Permit had, under the Hand of the Officer or Officers, for landing or Delivery thereof; and that all Liquors or Rice landed or put on Shore contrary to the Directions, and true Intent and Meaning of this Act, or the Value thereof, shall be forfeited; One Half to his Majesty, for the Use of the Public, and the other Half to him or them who will inform or sue for the same; to be recovered as in this Act hereafter is directed.

XI. And be it further Enacted, That any Person or Persons, bringing any Wine, Rum, or any distilled Liquors, exceeding one Gallon of Wine, Rum, or any distilled Liquors, or above One Hundred Weight of Rice, from any other Colony in this Province, by Land, shall, in Ten Days after he or they have or hath lodged or housed the same, make a due Report, on Oath, of the Quantity of such Wine, Rum, or any distilled Liquors, or Rice, by him or them brought in, to the Officer or Officers of the respective Ports appointed by this Act to receive the Duty; and on Default thereof, shall forfeit Three Pounds, Proclamation Money; to be applied and recovered as aforesaid.

XII. And be it further Enacted, That if any Person or Persons shall pay any of the Duty or Custom aforesaid in Silver or Gold Coin, of his or their importation into this Government, to be proved by the Oath of the Party or Parties paying the same, such Person or Persons shall have an Abatement or Allowance on the Duty aforesaid so paid and satisfied, of Fifteen per Cent. and every Officer appointed in Virtue of this Act to collect the said Duty, are hereby authorized and required to make the same Allowance or Abatement accordingly.

XIII. And be it further Enacted, by the Authority aforesaid, That no Collector of any of the aforesaid Ports, shall clear any Ship, Vessel or Boat, before the Master shall produce a Certificate, signed by some one of the Receivers appointed in virtue of this Act, that he hath paid the Duties aforesaid of the Wine, Rum and other distilled Liquors, or Rice, imported by him into this Province, under the Penalty of Twenty Pounds, Proclamation Money, to be recovered and applied as other forfeitures in this Act, relating to the collecting and paying the said Duties are to be recovered and applied.

XIV. And be it further Enacted, That the Officers appointed for collecting and receiving the said Duties, shall be allowed Six per Cent. for all such Sums they shall receive in Virtue of this Act.

XV. And be it further Enacted, That Mr. William Ross be, and is hereby nominated and appointed Receiver of the said Duty in the Port of Brunswick, and shall reside at Brunswick, to receive the said Duty on the said Liquors or Rice imported in such Vessel or Vessels which shall enter in the Port of Brunswick: And that Mr. Thomas Lovick, and Mr. James Macklewean, be, and are hereby nominated and appointed Receivers of the said Duty in the Port of Beaufort; to-wit, The said Thomas Lovick to reside at Core Sound, to receive the said Duty on the said Liquors and Rice, imported in such Vessel or Vessels which shall lade or unlade in Core Sound, or Bear Inlet; and the said James Macklewean shall reside at New Bern, and shall receive the Duty aforesaid on the said Liquors, and Rice, imported in such Vessel or

Vessels which shall lade or unlade in Neus River: And that Mr. Andrew Connor, be, and is hereby nominated and appointed Receiver of the said Duty in the Port of Bath: And that Mr. John Lovick, Mr. William Persons, Mr. James Wilson, and Mr. John Edwards, be, and are hereby nominated and appointed Receivers of the said Duty in the Port of Roanoke; who shall reside and keep their Offices in the several Places hereafter mentioned; to-wit, The said Mr. John Lovick at or near Eden House, or Edenton; Mr. John Edwards, in Northampton County; Mr. William Persons, in Granville County; Mr. James Wilson, at Bennett's Creek Bridge, in Chowan County: And Mr. Andrew Duke, is hereby nominated and Appointed Receiver of the said Duty in the Port of Currituck: Which said Receivers, respectively, shall give sufficient Security, payable to his Majesty, in the Sum of Two Hundred Pounds, Proclamation Money, for the Use of the Public, for his faithful Discharge of his Duty by this Act directed: And in Case of the Death, or Removal out of this Province or Refusal to Act, of all or any of the Receivers, it shall and may be lawful for the Governor or Commander in Chief, for the Time being, to nominate and appoint a Receiver or Receivers in the Stead of such Receiver or Receivers so dying, removing, or refusing to act; who shall give Security in the like Sum, and in the same Manner, for the faithful Discharge of his or their Office, as the Receivers in this Act nominated and appointed, are before required to give.

XVI. And be it further Enacted, That the said Receivers of the Duty aforesaid, shall account, on Oath, with the General Assembly, at each Session, and pay unto the said Assembly, all such Money as shall or may be by them, or any of them, received, after deducting their Commissions for receiving the same.

XVII. And be it further Enacted, That the Receiver and Receivers appointed, or that shall be appointed, in Virtue of this Act, to receive the said Duty in this Act mentioned, is and are hereby authorized and impowered, to enter or Board any Ship, Vessel, or Boat, and search the same, and from thence to take away any Wine, Rum, or any distilled Liquors, or Rice, for which the Duty aforesaid is not paid, or secured to be paid, within Ten Days after the entry of such Ship or Vessel, and to detain the said Wine, Rum, and distilled Liquors, and Rice, 'til the said Duty shall be paid, or secured to be paid; and also, at all Times, to go on Board any Ship, Vessel, or Boat, on Information, made, or if suspected, and search the same; and if any Wine, Rum, or any distilled Liquors, or Rice, shall, after the Entry of such Ship or Vessel, be found on Board, which hath not been duly entered, as in this Act is before directed it shall and may be lawful for the said Receiver to seize all such Wine, Rum, or any distilled Liquors, or Rice, and bring the same on Shore, and shall prosecute the said Seizure or Seizures as is in this Act directed.

XVIII. And be it further Enacted, That if any Receiver, appointed by Virtue of this Act to receive the Duty aforesaid, or any other Person or Persons for him, shall take or receive, directly or indirectly, any Bribe, Recompence, or Reward whatsoever, or shall connive at any false Entry of any Wine, Rum, or any distilled Liquors, or Rice, that shall be imported into this Province, either by Land or Water, whereby the Public may be defrauded, such Receiver so Offending, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied as other Forfeitures in this Act, and shall be forever after disabled of holding any Office or Employment relating to the Custom of this Province, and the Person or Persons giving or paying any such Bribe, Recompence, or Reward, shall forfeit and pay the

Sum of Fifty Pounds, Proclamation Money; to be recovered and applied in the same Manner as other Forfeitures in this Act.

XIX. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act mentioned, shall and may be sued for, and recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Government; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted.

CHAPTER II.

An Act to repeal a Clause in an Act, intituled, an Act for erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County; and the Clause in an Act, intituled, An Act for dividing Edgecomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish, and for appointing Vestrymen for the said Parish; which direct, That all Public, County, and Parish Levies, due from any of the Inhabitants of the said County of Granville, shall be collected by the Sheriff of Edgecomb County; and that all Public, County, and Parish Levies, due from any of the Inhabitants of Johnston, shall be collected by the Sheriff of Craven County, so far as may relate to the Taxes or Levies laid and made payable for the Year One Thousand Seven Hundred and Forty Six. Obs.

(Omitted.)

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1748.

At a General Assembly, held at New Bern, the Sixth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Eight. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act to appoint Public Treasurers.

I. Whereas, by the Laws of this Province, the Sheriff and other Persons concerned in the receiving and collecting of the Public Money, are directed and required to account with and pay the same to the General Assembly, and whereas, by Reason of the Shortness of the Sessions, there is not always Time perfectly to examine the Accounts of those who appear, or to send for them who neglect to appear, and account: Wherefore,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of the said Province, and by the Authority of the same, That Mr. Thomas Barker, be, and is hereby appointed Public Treasurer, for the Counties of Currituck, Pasquotank, Perquimons, Chowan, Tyrrell, Bertie, Edgecomb, Northampton, and Granville: And that Edward Moseley, Esq., be, and is hereby appointed Public Treasurer for the Counties of Craven, Carteret, Onslow, New Hanover, Bladen, Johnston, Beaufort, and Hyde: Which said Treasurers shall, before they enter upon their said Offices, respectively, give Bond, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, Sterling Money, for the Faithful discharge of their said Offices; which Bond shall be lodged in the Secretary's Office.

III. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, and all other Persons, concerned in the Collecting or receiving Public money, within the respective Counties of Currituck, Pasquotank, Perquimons, Chowan, Tyrrell, Bertie, Edgecomb, Northampton, and Granville, shall, on or before the first Day of January, next ensuing, upon Oath account for, and pay to the said Thomas Barker all the Money so by them respectively received, or which, by Law, they ought to have received, and were accountable for, before the first Day of September, in the Year of our Lord One Thousand Seven Hundred and Forty Five, under the Penalty of Twenty Pounds, Proclamation Money; and that all Persons within the said respective Counties, having any Public Money in their Hands, shall, upon Oath, account for, and pay the same, to the said Thomas Barker, on or before the said First Day of January, next ensuing, under the like Penalty of Twenty Pounds, Proclamation Money.

IV. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, and all other Persons, concerned in the Collecting or receiving any Public Money within the said Respective Counties, shall, on or before the Tenth Day of July, in the Year of Our Lord One Thousand Seven Hundred and Forty Nine, upon Oath, account for, and pay to the said Thomas Barker

all the Monies so by them received, or which, by law, they ought to have received, and are accountable, since the aforesaid first Day of September, in the Year of our Lord One Thousand Seven Hundred And Forty Five; under the Penalty of Twenty Pounds, Proclamation Money, And the said Thomas Barker shall attend at Edenton, to settle the several Accounts, and receive the Ballances thereon due, Four Days after the several Times herein appointed for the Sheriffs and other Persons to account and pay the several Sums due to the Public, and by them received.

V. And be it Enacted, by the Authority aforesaid, That the Sheriffs, and all other Persons concerned, or who have been concerned, in the collecting or receiving any Public Monies within the said respective Counties of Craven, Carteret, Onslow, New Hanover, Bladen, Johnston, Beaufort, and Hyde, shall on or before the first Day of January next, upon Oath account for, and pay to the said Edward Moseley, Esq., all the Money so by them respectively received, or which by law, they ought to have received, and were accountable for, from the first Day of September, in the Year of our Lord One Thousand Seven Hundred and Forty Five; under the Penalty of Twenty Pounds, Proclamation Money; And that all Persons within the said Respective Counties, having any Public Money in their Hands, and by them received, before the first Day of September, One Thousand Seven Hundred and Forty Five, shall, upon Oath, account for, and pay the same to the said Edward Moseley, on or before the said first Day of January, next ensuing, under the Penalty of Twenty Pounds, Proclamation Money.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, and all other Persons within the said respective Counties last mentioned, concerned, or who have been concerned, in the collecting or receiving any public Money, shall, on or before the Tenth Day of July, One Thousand Seven Hundred and Forty Nine, upon Oath, account for, and pay to the said Edward Moseley, Esq., all the Monies so by them respectively received, or which, by Law, they ought to have received, and were accountable, since the aforesaid first Day of September, in the Year of our Lord One Thousand Seven Hundred and Forty Five; under the Penalty of Twenty Pounds, Proclamation Money: And that the said Edward Moseley shall attend at New Bern, to settle the several Accounts, and receive the Ballances thereon due, Four Days after the several Times appointed for the Sheriffs and other Persons to account and pay the several Sums due to the Public by them received.

VII. And be it further Enacted, by the Authority aforesaid, That all and every the Sheriffs, and other Persons, that shall be concerned in the collecting and receiving the Public Monies hereafter to be collected and received, within the several Counties in this Province, shall, within Two Months after the Time appointed by Law for their collecting or receiving thereof, upon Oath, account for, and pay the same to the Public Treasurer for such County respectively; under the Penalty of Twenty Pounds, Proclamation Money.

VIII. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurers respectively, are hereby authorized, impowered, and required, to sue and prosecute all such Sheriffs, or other Persons, who have heretofore been, or shall hereafter be, concerned in the collecting or receiving the Public Money, or who have, or shall at any Time hereafter have, any of the said Money in Their Hands, within the said respective Counties, and shall neglect or refuse to account for and pay the same, at the Times, and in the Manner they are by this Act required and directed, on the Penalty in this Act mentioned; and also, on the several Bonds given by each and

every of the said Sheriffs or other Persons, in any of the said Respective Counties, for the due and faithful Performance of their several Offices or Duties; and the Clerks of the several County Courts, and every other Person or Persons having such Bond or Bonds, Account or Accounts, or other Papers, in his or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer of such County where the said Bond or Bonds was or were given, or Account or Accounts, or other Papers, lodged when he shall demand the same.

IX. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurers shall, from Time to Time, as often as required, upon Oath, account for, and pay to the General Assembly, all such Sums of Money as they respectively receive, by Virtue of this Act; for which Trouble they shall be allowed Five per Cent. on all the Monies by them respectively received, and paid into the Assembly, as aforesaid.

X. And be it further Enacted, That in Case of the Death or Departure out of this Province, or other legal disability of the said Treasurers, or either of them, hereby appointed, it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Advice of his Majesty's Council, to appoint and constitute any other Person or Persons in his or their Place or Stead, to execute the said Office until the next Session of Assembly; such Person appointed giving such Bond and Security as hereinbefore directed.

XI. And be it Enacted, That the Penalties in this Act mentioned, shall be sued for and recovered in the General Court of this Province, by Action of Debt, Bill, Complaint, or Information; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of: Two Thirds whereof shall be applied to the Use of the Public, and the other Third to such Treasurer who shall prosecute for the same.

XII. And be it further Enacted, That the Act, intituled, An Act for appointing a Treasurer for the several Counties therein mentioned, in the Room of William Downing, Esq., deceased, and all other Act and Acts, Clause and Clauses of Acts, so far as relates to the Sheriffs of the several Counties of this Province, and any other Person and Persons accounting for and paying to the General Assembly, any of the Public money by them respectively received, and the Penalty mentioned in them, or any of them, is and are hereby suspended, during the Time this Act shall continue in Force.

XIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force, for the Term of Four Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER II.

An Act for regulating the several Officers' Fees within this Province, and ascertaining the Method of paying the same.

I. For the better regulating the several Officers' Fees within this Province, and to ascertain the Method of paying the same;

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That it shall and may be lawful for the several Officers

within this Province, to take and receive, in Proclamation Money, or Bills of Credit, such Fees only as is appointed by this Act, for such Service; to-wit:

THE GOVERNOR'S FEES.

	Proclamation Money.		
	£.	s.	d.
For signing a Patent or Grant for Land, for 1000 Acres, or under.	0	6	8
For every Hundred above a Thousand, to Five Thousand.....	0	1	0
For signing Letters of Administration, or Testamentary.....	0	5	4
For Proving a Will before the Governor.....	0	5	0
For signing a Register of an undecked Vessel, Shallop, or Pettiagua	0	7	6
For signing a Register for a decked Vessel.....	0	13	4
For signing every Testimonial, under the Colony Seal.....	0	5	4
For signing every Commission for a Place of Profit.....	0	10	0
For Letters Patents of Denization.....	0	10	0

GOVERNOR'S FEES IN CHANCERY.

	Proclamation Money.		
	£.	s.	d.
For signing a Decree in Chancery.....	0	10	0
For every Order, made on Motion, or Petition.....	0	1	4
For signing an Injunction in Chancery.....	0	7	6
For hearing and determining every Cause.....	2	0	0
For signing an Exemplification of a Decree.....	0	5	0
For Dismission of every Bill, where the Cause doth not come to Tryal and final Hearing.....	1	0	0

THE GOVERNOR'S SECRETARY'S FEES.

	Proclamation Money.		
	£.	s.	d.
For drawing the Certificate for the Probate of a Will, taken before the Governor.....	0	1	4
For drawing every Testimonial, to be signed by the Governor, to which the Colony Seal shall be affixed.....	0	2	3
For every Warrant of Land.....	0	2	8
For the Great Seal.....	0	2	8
For the small Seal.....	0	1	4

THE CHIEF JUSTICE'S FEES.

	Proclamation Money.		
	£.	s.	d.
For every Writ, and Return.....	0	3	0
Docketing the Action.....	0	0	6
For every Discontinuance.....	0	0	6
For every Appearance.....	0	0	8
For every Issue joined.....	0	1	0
For every Venire.....	0	2	0
For every Action entered in Paper of Causes for Tryal.....	0	0	6
For every Subpoena.....	0	1	0
For swearing every Witness.....	0	0	4
For hearing every Tryal.....	0	2	0
For entering every Verdict.....	0	0	6
For hearing and giving Judgment upon Special Pleadings, had in any Cause.....	0	5	4
For confessing of Judgment.....	0	0	6

	Proclamation Money.		
	£.	s.	d.
For every Rule of Court.....	0	0	6
For every Postea, Return, and signing Judgment.....	0	1	0
For every Execution.....	0	2	0
For entering Satisfaction.....	0	0	4
For Taxing every Bill of Costs.....	0	2	8
For taking Special Bail, before the Judge.....	0	2	8
For every Original Attachment.....	0	3	8
For every Scire Facias.....	0	3	8
For every Certiorari.....	0	3	8
For every Habeas Corpus.....	0	5	4
For receiving an Appeal.....	0	1	0
For every Writ of Error, and Allowance.....	0	2	8
For taking Recognizance thereupon.....	0	2	8
For every Order in the Judge's Chamber.....	0	1	0
For receiving Injunction.....	0	2	8
For proving or acknowledging every Deed.....	0	2	8
For the Examination of Feme Couverts, and Proof of the Deed or Acknowledgment.....	0	5	4
For every Affidavit, in Writing, before the Judge.....	0	2	8
For administering the Oath, and signing the certificate of the Witnesses, attending in any Cause.....	0	0	8

THE CHIEF JUSTICE'S FEES OF THE CROWN SIDE.

	Proclamation Money.		
	£.	s.	d.
For taking every Information.....	0	2	8
Every Recognizance, taken before him.....	0	1	4
Every Writ.....	0	3	0
Every Order of Court.....	0	0	4
For every Commitment.....	0	1	4
For every Traverse.....	0	0	6
For every Person discharged by Proclamation.....	0	1	0
For every Cause entered in the Docket.....	0	0	7
Taxing Bill of Costs.....	0	2	8
For Examination of every Person committed for Contempt of Au- thority	0	1	4
For every Oath in the Cause.....	0	0	4
For hearing the Cause.....	0	2	8
For hearing and determining a Motion, in Arrest of Special Judg- ment, or Special Verdict.....	0	5	4

CLERKS' FEES FOR THE GENERAL AND COUNTY COURTS.

	Proclamation Money.		
	£.	s.	d.
For entering every Action.....	0	0	7
For every Writ.....	0	1	1
For a Copy of every Declaration.....	0	1	4
For recording the Defendant's Appearance, or Default.....	0	0	7
For Recording a Plea.....	0	1	1
For every Deposition, taken in Writing.....	0	0	7
For filing every Bill, Bond, or other Paper.....	0	0	4
For continuance, or Reference of every Action.....	0	0	4
For Recording the Venire, Seven-pence Half-penny.....	—	—	—

	Proclamation Money.		
	£.	s.	d.
For Recording Jury's Oath, and Verdict.....	0	0	6
For entering up the Judgment.....	0	0	7
For entering every Order of Court.....	0	0	7
For a Copy of every Order of Court.....	0	0	7
For searching a Record.....	0	0	7
For a Commission, or Dedimus Potestatem.....	0	1	4
For certifying the Probate of a Will.....	0	1	6
For administering every Oath, Two pence Half penny.....	—	—	—
For every Execution.....	0	1	4
For every Summons for one or more Persons if mentioned in the Summons	0	0	7
For every Petition or Motion, if entered in Writing.....	0	0	7
For a Certificate.....	0	0	7
For an Attachment.....	0	1	2
For Recording or Inroling every Bond, or other Writing.....	0	2	8
For entering the Acknowledgement of Sales of Land.....	0	1	4
For a Writ of Enquiry.....	0	1	4
For a Scire Facias.....	0	1	4
For every Retraxit.....	0	0	7
For every Dismission.....	0	0	7
For Recording a Mark or Brand.....	0	0	7
For proving every Right.....	0	0	3
For every Certificate.....	0	0	7
For a Copy of Record, per Copy Sheet, each Sheet containing Ninety Words.....	0	0	4
For Reading every Paper.....	0	0	3
For making up every Record of Judgment, after Verdict or Spe- cial Pleading, and entering the same in a Book for that Pur- pose, per Copy Sheet, each containing Ninety Words.....	0	0	4
For every Bill of Costs, or Copy thereof.....	0	0	7
For making out an Alphabetical List of the Taxables in each County, and delivering the same to Sheriff, delivering Or- ders to Constables, and all other extraordinary Services for the County, to be paid by the Court, out of the County Tax, Yearly.....	0	13	4
For every Certificate for each Juror's Attendance.....	0	0	6

THE SECRETARY'S FEES.

	Proclamation Money.		
	£.	s.	d.
For every Patent in Paper, and recording, for One Thousand Acres, or under.....	0	8	0
For a Petition for a Grant for a Patent for Land, and Order inclusive	0	2	8
For every Hundred Acres above a Thousand, to Five Thousand..	0	0	8
For A Patent in Parchment if required, and recorded.....	0	10	0
For a Warrant for surveying Land, proving Rights, Petition and Order thereon, reading inclusive.....	0	5	4
For filing every Paper.....	0	0	7
For Letters of Administration, or Letters Testamentary, Guar- dianship or Tuition, if made out by the Secretary.....	0	2	8
For every Administration Bond, if taken by the Secretary, and recording	0	3	0

	Proclamation Money.		
	£.	s.	d.
For every Commission of the Peace, and Military Commission, to be paid by the Public.....	0	5	0
For every Commission for a Place of Profit.....	0	5	4
For a Dedimus Potestatem.....	0	1	4
For searching A Record.....	0	0	7
For the copy of a Patent.....	0	1	4
For Letters of Denization.....	0	10	0
For entering a Caveat.....	0	1	4
For recording any Paper not before mentioned, or Copy of a Record, per Copy Sheet, each Sheet containing Ninety Words	0	0	4
For every Testimonial passing the Secretary's Office, under the Colony Seal	0	2	8
For every Commission of Oyer and Terminer, or Nisi Prius, to be paid by the Public.....	0	5	0

THE CLERK OF THE CROWN AND CLERK OF THE PEACE'S FEES.

	Proclamation Money.		
	£.	s.	d.
For filing every Indictment, or any other Paper.....	0	0	4
For a Copy of an Indictment, Information, or Presentment.....	0	1	4
For recording the Coroner's Inquest.....	0	1	4
For arraigning a Criminal.....	0	0	7
For entering every Appearance or Default.....	0	0	7
For every Capias.....	0	1	1
For every Recognizance, acknowledged in Court, or out of Court, if drawn by the Clerk.....	0	1	1
For entering every Recognizance on the Docket.....	0	0	8
For entering every Order of Court.....	0	0	7
For every Venire or Subpoena.....	0	0	7
For administering every Oath.....	0	0	4
For entering the Jury's Oath, and Verdict.....	0	0	7
For entering up Judgment.....	0	0	7
For entering a Plea.....	0	0	6
For a Search of Record.....	0	0	7
For a Copy of an Order of Court.....	0	0	7
For calling the Defendant.....	0	0	4
For every Respite.....	0	0	4
For A Liberate.....	0	1	1
For taking every Deposition, in Writing.....	0	0	7
For every Person discharged.....	0	0	7
For recording any Paper, not before mentioned, or Copy of Record, per Copy Sheet, each Sheet Containing Ninety Words	0	0	4
For drawing every Writ of Election, to be Paid by the Public... ..	0	2	8
For every Scire Facias.....	0	1	4
For writing a Warrant.....	0	1	4
For making up every Record, and entering the same in a Book for that Purpose, per Copy Sheet, Each Sheet containing Ninety Words	0	0	4
For filing every Bill or other Paper.....	0	0	7
For every Subpoena, for one or more Persons, if mentioned in the said Subpoena	0	1	4

CLERK OF THE CHANCERY'S FEES.

	Proclamation Money.		
	£.	s.	d.
For an Injunction in Chancery.....	0	5	0
For a Supersedeas, and Return.....	0	1	4
For entering up a Decree.....	0	2	8
For calling a Dismission.....	0	0	7
For taking every Deposition, in Writing.....	0	0	7
For Interrogatories, if drawn by the Clerk.....	0	1	4
For a Dedimus Potestatem, to examine Witnesses.....	0	1	8
For every Petition, or Motion, if entered in Writing.....	0	0	7
For recording of any Paper not before mentioned, or Copy of Record, per Copy Sheet, each Sheet containing Ninety Words	0	0	4
For setting down the Cause for hearing.....	0	1	4
For every Search.....	0	0	7

PUBLIC REGISTER'S FEES.

	Proclamation Money.		
	£.	s.	d.
For registering every Birth, Burial, or Marriage.....	0	0	7
For registering a Conveyance, or any other Writing, or giving a Copy thereof	0	2	8
For every Certificate of Birth, Burial, or Marriage.....	0	0	6

SHERIFF'S FEES.

	Proclamation Money.		
	£.	s.	d.
For an Arrest	0	5	4
For a Bail Bond.....	0	1	0
For serving a Copy of a Declaration, if done by the Sheriff....	0	1	4
For whipping any Person.....	0	2	8
For serving a Subpoena, for each Person named in Subpoena...	0	2	8
For Pilloring any Person.....	0	5	0
For an Attachment, as for an Arrest, and if further Trouble by moving Goods, to be Taxed by the Court.....	—	—	—
ForFor executing a Warrant of Distress, or an Execution against the Body or Goods, if not above Ten Pounds, Proclamation Money, for each Pound.....	0	1	0
If above Ten Pounds, Proclamation, for each Pound above.....	0	0	7
For Imprisonment for Felons or Debtors, or any other Person, for each Prisoner per Day, for finding One Pound of whole- some Bread, One Pound of wholesome roasted or boiled Flesh, and not less than Two Quarts of fresh Water, and every other necessary Attendance, and keeping the Prison clean	0	1	0
If the Prisoner finds himself Victuals and Drink, then the Sheriff shall take but.....	0	0	4
For Summoning, impaneling, and attending on every Jury in every Cause, when a Special Venire shall issue by Order of Court	0	5	4
For putting any Person in the Stocks, and releasing.....	0	0	7
For a Commitment, if by Order of Court, or Mittimus.....	0	2	8
For a Releasement	0	2	8
For serving a Writ of possession of Land.....	0	7	6

	Proclamation Money.		
	£.	s.	d.
For waiting on any Person on a Habeas Corpus, per Day.....	0	2	8
For calling every Action each Court.....	0	0	4
For summoning the Jury on a Common Venire, in every Cause..	0	0	8

FOR AMERCEMENTS TO THE JUSTICES OF THE COUNTY COURT.

	Proclamation Money.		
	£.	s.	d.
To the Justices on every Action, Presentment, or Indictment, brought as an Amercement.....	0	1	4
For taking Examinations, drawing and returning a Recognizance.	0	2	8

ESCHEATER'S FEES.

	Proclamation Money.		
	£.	s.	d.
For every Inquisition and Return.....	1	12	0

ATTORNEY-GENERAL'S FEES.

	Proclamation Money.		
	£.	s.	d.
For every Indictment found, or Presentment made.....	1	6	8
If Bill found Ignoramus, then the Prosecutor shall pay.....	0	13	4
For the same in the County Court.....	0	13	4
If found Ignoramus, then the Prosecutor to pay.....	0	6	8

JUDGE OF THE ADMIRALTY'S FEES.

	Proclamation Money.		
	£.	s.	d.
In Cases of Seamen's Wages or other Suit, exceeding Twenty Pounds Value recovered, for the first Day.....	1	6	8
For every Day more than One.....	0	13	4
For a Warrant of Arrest, or any other Warrant.....	0	1	4
For admitting the Libel.....	0	1	4
For every Citation.....	0	1	4
For every definitive Sentence.....	0	5	4

REGISTER'S FEES IN LIKE CASES.

	Proclamation Money.		
	£.	s.	d.
For filing every Paper.....	0	0	7
For registering a Libel.....	0	4	4
For registering an Answer or Replication.....	0	2	0
For taking every Affidavit, in Writing.....	0	1	0
For registering a Decree.....	0	2	0
For Dismission of every Suit.....	0	0	7
For continuing every Suit.....	0	0	7
For a Citation.....	0	1	8
For a Subpoena for each Evidence.....	0	0	8
For registering every Paper not before mentioned, or copying, per Copy Sheet, each Sheet containing Ninety Words.....	0	0	4

THE ADVOCATE'S FEES.

	Proclamation Money.		
	£.	s.	d.
The King's Advocate, in every Cause when he appears for the King	2	13	4
In every other Case, the same as another Advocate.....	1	10	0

THE MARSHAL'S FEES IN THE COURT OF ADMIRALTY.

	Proclamation Money.		
	£.	s.	d.
For serving every Warrant and Return.....	0	5	4
For serving a Decree, and Return, above Five Pounds.....	0	8	0
For every Pound above Five Pounds.....	0	4	0
For serving a Citation, Monition, or Notice.....	0	2	8

NAVAL OFFICER'S FEES.

	Proclamation Money.		
	£.	s.	d.
For entering and clearing Vessels, not decked, Boats or Canoes of the Country, if bound to Foreign Parts.....	0	3	3
For entering and clearing decked Vessels, belonging to the Country	0	6	8
For entering and clearing Foreign Vessels, if under One Hundred Tons	1	4	0
If above One Hundred Tons, to include all Fees, except such as are in this Act particularly mentioned.....	1	10	0
For taking Bonds of Masters of Vessels, to be understood of either Bonds which Masters of Vessels are obliged to give..	0	2	8
For a Bond in Order to obtain a Pass, for People going out of the Country, and the pass.....	0	3	0
For a Certificate for enumerated Goods.....	0	1	4
For a Certificate for Bounty in England.....	0	2	8
For signing a Permit for any foreign Vessel, going from one District to the other, within this Province.....	0	2	8
For signing a Permit for Country Vessels, going as aforesaid, having Foreign or enumerated Goods on Board.....	0	1	4

COLLECTOR'S FEES.

	Proclamation Money.		
	£.	s.	d.
For entering and clearing foreign Vessels if under one Hundred Tons	1	4	0
If above One hundred Tons, including all Business incident except such as are in this Act particularly mentioned.....	1	10	0
For entering and clearing open Vessels of the Country, if bound to foreign Parts, including as aforesaid.....	0	3	3
For entering and clearing decked Vessels of the Country, including as aforesaid.....	0	6	8
For Certificate on the Change of a Master.....	0	2	8
For writing and signing a Register.....	0	5	4
For Recording a Register, if required.....	0	2	8
For a Certificate for enumerated Goods.....	0	1	4
For a Certificate for a Bounty in England.....	0	2	8
For signing a Permit for any foreign Vessel, going from one District to another within this Province.....	0	2	8
For a Permit for Country Vessels going as aforesaid, having foreign or enumerated Goods on Board.....	0	1	4
For a Permit to load and unload.....	0	1	4

SURVEYOR-GENERAL'S FEES.

	Proclamation Money.		
	£.	s.	d.
For entering a Warrant, and certifying.....	0	2	8
For surveying a Thousand Acres and under.....	1	6	8
For every Hundred above a Thousand.....	0	1	1

AUDITOR'S FEES.

	Proclamation Money.		
	£.	s.	d.
For auditing every Patent.....	0	5	4
For entering and certifying every Warrant for Land.....	0	2	8

RECEIVER GENERAL'S FEES.

	Proclamation Money.		
	£.	s.	d.
For a Warrant of Distress.....	0	2	8

CORONER'S FEES.

	Proclamation Money.		
	£.	s.	d.
For every Inquisition, and Return, to be paid out of the deceased's Estate, if no Estate, then by the Country.....	0	16	0
For each and every Juror, on an Inquisition, to be paid by the Coroner out of the deceased's Estate, if no Estate, to be paid by the Country.....	0	1	4
For the Constable, for summoning each Juror on an Inquest....	0	0	7
For other Services, the same as the Sheriff.....	—	—	—

CLERK OF THE COUNCIL'S FEES.

	Proclamation Money.		
	£.	s.	d.
For reading every Paper in Council.....	0	0	7
For entering every Oath in Council.....	0	0	7
For every Search, or Copy of an Order of Council.....	0	0	7
For every Citation or Summons.....	0	0	7
For administering every Oath.....	0	0	4
For drawing every Petition, if drawn by the Clerk.....	0	0	10
For taking every Deposition in Writing.....	0	0	7
For filing Every Paper.....	0	0	7
For recording every Paper not before mentioned, or Copy thereof per Copy Sheet, each Sheet containing Ninety Words	0	0	4

III. And be it further Enacted, by the Authority aforesaid, That the Clerk of the General Court, and every County Court, and every other Court of this Province, shall make out a Bill of Costs, and deliver the same to the Party from whom the Fees are due, or to his Attorney; and on such Persons not paying the same, it shall and may be lawful for the Clerk of every Court, to make out Execution, directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same, in Virtue of the said Execution, as in other Cases, and that to the said Execution, shall be annexed a Copy of the Bill of Costs of the Fees, on which such Execution shall issue; and that all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same, under the Penalty of Five Pounds.

IV. Provided always, and it is the true Intent and Meaning of this Act, That every Execution, against the Body or Goods of any Person, shall and may be discharged by Tender and Payment of Inspectors Notes for Commodities, as rated in an Act, intituled, an Act, for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops inlisted in his Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.

V. And be it further Enacted, That when any Person shall pay to any Officer within this Province, any Fees due to such Officer, the aforesaid Officer shall, on the Receipt of such Fees, if demanded, give a Ticket of such Fees, with a Receipt for the same, under the Penalty of Five Pounds.

VI. And that the People may better know what fees are due to the several Officers aforesaid, Be it further Enacted, by the Authority aforesaid, That each respective Officer within this Province, shall, within three Months, next after the Ratification of this Act, set up, in some Public Place in his Office, a Table of the Fees that may be taken by such Officer, according to the Direction of this Act; and shall continually keep the same up, under the Penalty of Five Shillings, for every Day such Table shall not be so fixed up.

VII. And be it further Enacted, That if any Officer shall demand, extort, exact, or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the particular Service in his Office for the Fees in this Act expressed, such Officer shall, for every such Offence or Default, forfeit the Sum of Five Pounds.

VIII. And be it further Enacted, by the Authority aforesaid, That no Clerk of the General Court, or any County Court, shall introduce any new Fees; neither shall he charge, in any Bill of Costs, any Fees for any pretended Service where the same is not really and actually done, or where, according to the Course of Practice, the same was not necessary to be done; under the Penalty of Twenty Shillings, for every Offence.

IX. And be it further Enacted, That the several Penalties in this Act mentioned, shall and may be recovered, by any Person or Persons that will sue for the same, before any Magistrate or Magistrates, or in any Court of Record in this Province, Respect being had to their several jurisdictions, as is prescribed by Law, for the Recovery of other Debts; wherein no Essoign, Protection, Injunction, Priviledge, or Wager of Law, shall be allowed or admitted of; One half to the Prosecutor, the other Half to the Church wardens, for the use of the Parish where the Offence is committed.

X. Provided always, That all Prosecution for any Penalty or Penalties by Virtue of this Act, shall be commenced within two Years after the Offence is committed, and not after.

XI. And be it further Enacted, by the Authority aforesaid, That no new or other Fees shall hereafter be created or made, by any Person or Persons whatsoever, or be demanded, taken, or received, othrwise than such as shall be established by the Authority of the Governor, Council, and General Assembly, any Law, Custom, or Usage, to the contrary, notwithstanding.

XII. And be it further Enacted, That all other Act and Acts, Clauses Matters, and Things, heretofore made, relating to the Officers' Fees, so far as is within the Purview of this Act, are hereby repealed and declared to be null and void to all Intents and Purposes.

CHAPTER III.

An Act for Laying a Tax on the Inhabitants of Granville County, and for appointing Commissioners to compleat and finish the Public Buildings already begun in the said County.

I. Whereas by an Act of the General Assembly of this Province, passed at New Bern, on the Twenty Eighth Day of June, in the Twentieth Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled, an Act for dividing Edgecomb County, and for erecting the upper Part thereof into a Parish by the Name of Granville County and St. John's Parish, and for appointing Vestry men for the said Parish; a Tax was laid, for Two Years, of Two Shillings, Proclamation Money, for building a Court-house, Prison, and Stocks, in the said County, and running the dividing line between Edgecomb and Craven Counties; which said Tax is found insufficient for running the said Line, and compleating the said buildings of the said County.

II. We therefore pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That a further Tax of Two Shillings, Proclamation Money, for Two Years, ensuing next after the Ratification of this Act, and no longer, be laid, and the said Tax of Two Shillings, Proclamation Money, is hereby laid, on each and every Taxable in the said County, for and towards compleating and finishing the said Buildings, and the Charge of running the said Line; and shall be collected and paid, Annually, by the Sheriff of the said County, at such Times and Places, and in the same manner, as other taxes are collected and paid.

III. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the said County shall account for, on Oath, with the Commissioners hereinafter appointed, for all such Sums of Money and Commodities, as he shall receive in Virtue of this Act, under the Penalty of Five Pounds, Proclamation Money, to be recovered, by the Commissioners in this Act herein after Named, in any Court of Record within this Province, wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; and the said Sheriff, for collecting and paying the said Tax, shall have and receive six per Cent. and may deduct the same accordingly.

IV. And be it further Enacted, by the Authority aforesaid, That Mr. William Eaton, and Mr. Edward Jones, be, and are hereby appointed Commissioners, to compleat and finish the said Buildings, and Defray the Charge of running the said Line: Which said Commissioners shall, Yearly account with the Court of Granville County, for all such Sums of Money, as they shall receive from the said Sheriff, in Virtue thereof, under the Penalty of Five Pounds, Proclamation Money, to be recovered by any Person who will sue for the same, and applied as herein after directed.

V. And be it Enacted, by the Authority aforesaid, That all Forfeitures arising in Virtue of this Act, shall be recovered as aforesaid, and applied for and towards the use the Tax laid by this Act is intended.

CHAPTER IV.

An Act to Prevent the Exportation of Raw Hides, Pieces of Hides, and Calfskins out of this Government.

I. Be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the Fifteenth Day of August, next ensuing the Ratification of this Act, no Master or Commander of any Ship or Vessel, bound out of this Government, shall receive, or ship on Board his Vessel, any Hide or Hides, Piece or Pieces of Hides, of Neat Cattle, or Calf-Skins, raw and untanned, or shall permit the same to be done by others; and every Master or Commander of any Ship or Vessel so offending, shall forfeit and pay, for every Hide, Piece or Pieces of Hide, or Calf-skin, the Sum of Ten Shillings, Proclamation Money, to be recovered, before any Justice of the Peace, by him or them that shall prosecute and sue for the same; and the Hides, Piece or Pieces of Hides, or Calfskins, so shipped, contrary to the true Intent and Meaning of this Act, shall be immediately sold, by Order of the Justices before whom the Conviction shall be, and the Money arising from such Sale, shall be delivered to the Church Wardens, for the Use of the Parish where the offence shall be committed; the Right of Appeal to the next County Court always reserved.

II. And for the more easy Conviction of the Offenders against this Act, Be it Enacted, by the Authority aforesaid, That the seeing any such Hide or Hides, Piece or Pieces of Hides, of Neat Cattle, or Calf-Skins, raw and untanned, received or shipped on Board any Ship or Vessel outward bound, and due Proof made before any one Justice of the Peace of the County, shall be deemed and taken sufficient Evidence in Law to Convict the Master or Commander of such Ship or vessel of the Offence aforesaid.

III. Provided always, That if the Master or Commander of such Ship or Vessel, shall make Oath, that such Hide or Hides, Piece or Pieces of Hides, or Calf-skins, were not shipped or received on board his Ship or Vessel, with his Knowledge, Privity, or Procurement, in that Case, he shall not incur nor pay the Forfeiture above mentioned; but the same shall be paid by the Person who shall have put the same on board, and the Hide or Hides, Piece or Pieces of Hides, or Calf-skins, so put on board as aforesaid, shall be forfeited, and sold, and disposed of, in Manner as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That every Master or Commander of each and every Vessel, bound out of this Province, at the Time of his clearing his Vessel out, shall make Oath, to-wit: I, A. B. of the vessel H. do swear, That there is not in my knowledge, or Belief, on board my said Vessel, any Hide or Hides, Piece or Pieces of Hides, of any Neat Cattle, or Calf-skins, raw and untanned, and that none such shall be transported in my said Vessel, this Voyage, with my Privity. So help me God.

Which Oath each and every Collector of the several and respective Ports within this Province, or his Deputy, is hereby authorized and required to administer: And every Collector or Deputy Collector, who shall clear out any Vessel or Vessels, without having first administered the Oath aforesaid, according to the true Intent and Meaning of this Act, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; One half to the Informer, and the other for and towards the

contingent Charges of Government; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

V. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force, for the Term of Fifteen Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER V.

An Act to appoint Commissioners to continue running the Boundary Line between Edgecomb County, Tyrrell, and Part of Beaufort Counties.

I. Whereas the Commissioners, appointed by an Act, intituled, An Act, for ascertaining the Boundary Line between Tyrrell County, and Beaufort County, and between Edgecomb County, and Tyrrell County, and Beaufort County, have run a dividing Line between Edgecomb County and Tyrrell County, and Part of Beaufort County, and Edgecomb County from Roanoke River, as far as the Mouth of Cheek's Mill Creek, on Tar River, in Beaufort County; and whereas the Tax laid and collected in the said several Counties, for defraying the Charges of running the said Boundary Lines is found insufficient for carrying on the same.

II. We therefore pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That Mr. Joseph Howell, and Mr. Joseph Lane, be and are hereby appointed Commissioners, for finishing the said Line between Part of Edgecomb, Beaufort, and Johnston Counties, already begun and carried on, to the Mouth of Cheek's Mill Creek, in Beaufort County, on Tar River, and from thence shall run, with a straight Line to Contentnee, at the Mouth of Tosneat Swamp, and thence up the main Stream of Contentnee, opposite the Mouth of Cypress Swamp, on Tar River; which said Line, when run by the Commissioners aforesaid, shall be by them entered on Record, in the Court of Edgecomb County aforesaid, and shall hereafter be deemed and taken to be the true Bounds of the said County.

III. And for defraying the Expence of continuing the running the said Boundary Lines, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the said County Court of Edgecomb, and they are hereby authorized and impowered, to lay a Tax on all the Taxable Persons within the said County, not exceeding Three Pence, Proclamation Money, for defraying the Expence of finishing the said Line, and recording the same as aforesaid; which said Tax shall be paid and collected in the same Manner, and at the same Times, other Taxes are paid and collected in the said County.

IV. And be it further Enacted, by the Authority aforesaid, That all and every Clause and Clauses of the Act, intituled, An Act for ascertaining the boundary Line between Tyrrell County, and Beaufort County, and between Edgecomb County, Tyrrell County, and Beaufort County, so far as relates to running the Boundary Line between Edgecomb County, and Beaufort County, is and are hereby repealed and made void, as if the same had never been made.

CHAPTER VI.

An Act for destroying Vermin in this Province.

I. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That from and after the Ratification of this Act any Person or Persons that shall kill any of the Vermin hereafter mentioned, shall be intituled to a Claim upon the Parish where such Vermin was killed, the several Rewards as follows, viz: For every Panther, Ten Shillings, Proclamation Money; for every Wolf Ten Shillings, Proclamation Money; and for every Wild-cat, Two Shillings and Six Pence, Proclamation Money; to be levied and recovered as shall be by this Act directed.

II. And be it further Enacted, by the Authority aforesaid, that any Person or Persons, who shall have a Claim for killing any of the Aforesaid Vermin, are hereby ordered to produce the Head or Scalp, with both Ears, before any Magistrate, who is to administer an Oath to such Person claiming the same, that it was taken and killed within the Bounds of such Parish where such Claim is desired to be paid; and if it be a Servant, Slave or Indian, that shall kill any such Vermin, of which the Head or Scalp shall be produced, as aforesaid, the Master or Owner of such Servant or Slave, or he that makes claim for such Scalp or Scalps, in Behalf of an Indian, shall make Oath, before such Magistrate, that he verily believed the same was taken and killed within the Parish where the Reward is claimed: Which Oath being administered to the Person who makes the Claim, the said Magistrate is hereby directed to give the said Person a Certificate, in Words at length, for the same, which done, the said Magistrate shall immediately cause the Head or Scalp to be destroyed by burning the same.

III. And be it further Enacted, by the Authority aforesaid, That any Person or Persons, having a Certificate from any Magistrate within the Parish, for taking and killing any of the Vermin aforesaid, shall deliver the same to the Vestry and Church Wardens where such Certificate from the Magistrate was obtained; which said Certificate shall be delivered to such Vestry and Church Wardens, Yearly, on Easter Monday, in every Parish within this Province: And such Magistrate shall keep a List of each and every Certificate by him given as Aforesaid, in which he shall insert the Persons Name, the Time when, and the Number of Scalps such Certificate was given for, and shall transmit such List to the Vestry and Church Wardens at the Time hereinbefore mentioned for giving in the said Certificates.

IV. And be it further Enacted, by the Authority aforesaid, That the several Vestry and Church Wardens in every Parish, are hereby required, authorized and impowered, to levy the said Claims on the several Taxables within each Parish, in Proclamation Money, or the rated Commodities, as other Parish Dues within this Province have heretofore Been.

V. And be it Enacted, That the Justice or Justices giving Certificates, and destroying the Heads and Scalps of Vermin, as is by this Act directed, shall have and receive, for their trouble therein, Ten Per Cent. paid to them out of the Premium granted to Persons for killing of Vermin, at the Time that the Premium is paid to Persons claiming by Virtue of this Act.

VI. And it is Further Enacted, That if the Vestry or Church Wardens, Justice of the Peace, or Constable, shall neglect or refuse to execute and discharge the several Trusts and Powers to them, or either of them, by this Act given, that he or they so neglecting or refusing, shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that shall

inform or sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Government, wherein no Essoign, Protection, or Wager of Law shall be allowed or admitted of.

CHAPTER VII.

An Act to Enlarge the Time for the Commissioners of the Roads, appointed by the Act of Assembly passed April the Twentieth, One Thousand Seven Hundred and Forty Five, intituled An Act, to impower the several Commissioners hereinafter named, to make, mend, and repair all Roads and Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they Judge most Useful to the Public, to recover the several Sums due from Defaulters.

I. Whereas the Time by the said Act, for the Commissioners calling before them such as they should suspect Defaulters, and for proceeding against such, was in the said Act limited to Three Months, from the Ratification thereof; Which Time was so short, that the several Commissioners could not procure Copies of the Act within the Time limited: wherefore,

II. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That the several Commissioners in the said Act mentioned shall have full Power and Authority to proceed against all such Persons as they shall suspect are Defaulters, in the same Manner as by the said Act is directed, at any Time within the Space of Eighteen Months, from the Ratification of this Act, as fully and amply, as if the same Eighteen Months had been inserted in the said Act.

CHAPTER VIII.

An Act to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an allowance for their Attendance.

I. That indifferent Jurors, in all Courts of Judicature within this Province, for all Tryalls hereafter, may be had, and that the Charge and Expence of their Attendance may be equally borne;

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the last day of May next, after the Ratification of this Act, no Person shall be a Jurymen in the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, within this Province, but such who are elected, summoned and returned, according to the directing of this Act; And if any other Person or Persons shall be summoned to serve as a Jurymen, and returned to the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, of this Province, it shall be good Challenge for either Party, and the Person so returned, shall be discharged upon the said Challenge.

III. And be it further Enacted, by the Authority aforesaid, That once in Six Months, each and every County Court within this Province, next after

the first Day of January, and the first Day of July, Yearly, in open Court, the Justices of each and every County Court, together with the then Grand-Jury, shall elect and choose Twelve Knowing substantial Freeholders of the several Counties, (except those Counties where the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery shall sit, where the Justices shall choose Twenty Four Freeholders as aforesaid) to be returned to serve as Jurors, at the next General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, to which by the Law that is now in force, or hereafter may be in Force, they ought to attend.

IV. And be it further Enacted, That immediately after such Choice or Election, as aforesaid, the Clerk of each and every County Court, shall make out an attested List of such Freeholders as shall be elected or chosen, as aforesaid, and deliver the same to the Sheriff of his County.

V. And be it further Enacted, That the Sheriff of each and every County within this Province, shall summon the said Twenty Four Freeholders so elected, of such County where the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, shall be held, and the said Twelve Freeholders of the several other Counties, elected as aforesaid, mentioned in the said List to serve as Jurors for the next General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, as by his Writ he shall be commanded, and no other.

VI. And be it Enacted, by the Authority aforesaid, That no Venire or Venires shall issue hereafter, for more than Twelve Persons out of each of the several respective Counties to serve as Jurors, (except as is herein-before excepted), That is to say, Six on the Petit, and Six on the Grand-Jury, at the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery.

VII. And be it further Enacted That each and every Person, qualified as a Juror to serve by Virtue of this Act, which shall be duly Chosen, summoned, and returned, and doth not appear, shall forfeit and pay Thirty Shillings, Proclamation Money, or after Appearance, shall absent themselves from the said Court, before the Court shall discharge them, shall forfeit and pay such Fine as the Court shall impose, not exceeding Five Pounds, Proclamation Money; to be levied by the Sheriff, by Order of such Court, and paid to the Justices of the County where such Defaulter inhabits; to be applied towards paying such Jurymen as shall attend; and no Jurymens Issues making Default shall be saved, but by special Order of such Court, or some just and reasonable Cause, proved upon Oath, and certified the next succeeding Court; and no man shall be taken to be duly summoned which hath not been summoned at least Ten Days before the Day before he ought to appear; and every Person shall be deemed duly summoned, where a Note shall be left at least Ten Days before the sitting of such Court to which he ought to appear, at his respective Dwelling, altho' such Person shall not be personally summoned.

VIII. And be it further Enacted, by the Authority aforesaid, That at the opening of every General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, after the Names of the Persons summoned shall be called over, and their Appearance or Neglect entered, and in Case above Twelve do appear, the Court, at each and every Tryal, at the Bar, shall call a Child, under Ten Years of Age, in open Court, to draw out of a Box, for that Purpose, Twelve of the Names of those that shall make their Appearance; and those Persons only shall be the Jury, to serve upon that Tryal.

IX. Provided always, That if any of the Jurors, for Reasons according

to Law, shall be challenged, then the Court shall cause their Places to be filled up out of some of the others that made their Appearance, to be elected by Lot, as before is appointed.

X. Provided also, That for want of a sufficient Number of Jurors appearing to serve as aforesaid, it shall and may be lawful for the Chief Justice and Judges of such General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, to order the Sheriff to summon such indifferent Jurymen as he possibly can, out of any of the Freeholders that shall be at such Court; which said Freeholders so summoned by such Sheriffs, shall be deemed and held to be sufficient Juror or Jurors, as those elected and Chosen by Virtue of this Act, could have been, had they appeared; Any Thing recited before in this Act, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That the several Sheriffs, and every respective Judge or Justice of the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, shall, on or before the Conclusion of the next General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, after the last Day of May, swear, in open Court, That he will, as far as he may or can, either by his Knowledge, or Information, follow, observe, and keep the Rules, Methods, Manner and Way of choosing of Jurymen, for each General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, to be holden in this Province, according to the true Intent and Meaning of this Act; and every Justice, Judge, or Sheriff, who shall hereafter be appointed, shall take the same Oath, before he execute any Part of this Office: And every Judge, Justice, Sheriff, Officer, or Minister, who shall refuse or neglect to take such Oath, as aforesaid, shall, for each Default, forfeit and pay Twenty Pounds, Proclamation Money; One Moiety thereof to him or them that shall sue for the same, the other for the Use of the Public, to be disposed of as the General Assembly shall think fit; to be recovered by Bill, Complaint, or Information, in any Court of Record in this Province, wherein no Injunction, Protection, or Wager of Law, shall be allowed or admitted of .

XII. And whereas the Attending the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, will be very expensive to the Jurors so attending for Remedy whereof; Be it Enacted by the Authority aforesaid That each and every Juror, at the General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, upon producing a Certificate from the Clerk of such Court, of the Time of his Attendance, (which Certificate the Clerk is hereby directed to give, if required), unto the Court of the County where he resides, he shall have and receive Three Shillings, Proclamation Money, for each Day's Attendance, (and his Ferriages), certified as aforesaid, to be paid by the Justices of such Court, out of the County Tax; and the Justices of every County Court. are hereby required and directed, to lay a Levy, sufficient to discharge the same, on all Taxables in their respective Counties, to be paid and collected at the same Times and in the same Manner, as other County Taxes by Law now are paid and collected.

XIII. And be it further Enacted, That every Act and Acts, and every Article and Clause therein, as much as relates to the providing of indifferent Jurymen in all Causes, Civil and Criminal, within the Purview of this Act, are Hereby repealed and made void, as if the same had never been made.

CHAPTER IX.

An Act to alter the Times for holding the Courts for the County of
New Hanover.

I. Whereas Two of the County Courts which are held for the County of New Hanover, in each Year, fall out on the same Days the General Courts of this Province are held, at New Bern.

II. We therefore pray it may be Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That after the Tenth Day of April, next after the Ratification of this Act, the several County Courts hereafter to be held for the County of New Hanover, shall be held on the last Tuesdays in February, May, August, and November, Yearly; and all Continuances and References ordered in the Court held for the said County on the Second Tuesday in March past, shall be continued over, and all Process returnable to the second Tuesday in June next, shall be returned to the Court to be held for the said County on the last Tuesday in May next, and shall not be Error in the Process or Proceedings aforesaid.

III. And be it further Enacted, That the Clause in the Act intituled, An Act, for erecting the Village called Newton, in New Hanover County, into a Town and Township by the name of Wilmington, and all and every Clause and Clauses in any other Act or Acts, so far as relates to the Time of holding the Courts for the said County, is and are hereby repealed and made void.

CHAPTER X.

An Act for granting unto his Majesty the Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Proclamation Money, and for stamping and emitting the said Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money; to be applied towards building Fortifications in this Province, Payment of the Public Debts, exchanging the present Bills of Credit, and for making proper Provision for defraying the Contingent Charges of the Government; and for repealing the several Laws hereinafter mentioned.

I. Whereas, during the present War with France and Spain, This Province hath received great Damage, by the Enemies Privateers coming into the Ports and Harbours of the same, which are entirely defenceless and without any Fortifications, and taking and carrying away the Vessels thereout and landing, and plundering the Inhabitants: And whereas the great Scarcity of Currency is such, that it is impracticable to raise a Sum by an immediate Tax on the People, sufficient for building proper fortifications, for the Defence of the said Ports, and to discharge the Public Debts: Wherefore,

II. We pray that it may be Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That out of the current Bills of Credit to be emitted by this Act, the Sum of Two Thousand Pounds shall be deposited by the said Commissioners, in the Hands of Thomas Barker, Gentleman, Treasurer for the Northern Counties, or the Treasurer for the said Counties for the

Time being, for the building a Fortification at or near Ocacock Inlet, for the safety and Defence of that Harbour; and the Commissioners hereafter named shall have full power and Authority to build the said Fortification, and by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

III. And be it further Enacted, That his Excellency the Governor and Commander in Chief for the Time Being, Mr. Benjamin Peyton, Mr. Samuel Sinclare, Mr. Francis Stringer, Mr. James Macklewean, Mr. John Haywood, and Mr. Peter Payne, be, and are hereby appointed Commissioners, for erecting and building the said Fortifications.

IV. And be it further Enacted, by the Authority aforesaid, That the Sum of One Thousand Five Hundred Pounds shall be deposited by the said Commissioners in the Hands of Edward Moseley, Esq., Treasurer for the Southern Counties, or the Treasurer of the said Counties for the Time being; for the building a Fortification or Fortifications at or near Old Top-Sail Inlet, for the Safety and Defence of that Harbour; and the Commissioners hereafter named shall have full Power and Authority to build the said Fortification or Fortifications, and, by Warrant under their Hand, or the Hands of the Major Part of them, to draw from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them, in building the said Fortification or Fortifications; and the said Treasurer is hereby required, on such Warrant or Warrants being produced by him, to pay the same accordingly.

V. And be it further Enacted, That his Excellency the Governor and Commander for the Time being, Mr. Thomas Lovick, Mr. Arthur Mabson, Mr. John Clitherell, and Mr. Joseph Bell, be, and they are hereby appointed Commissioners for erecting and building the said Fortification or Fortifications.

VI. And be it further Enacted, by the Authority aforesaid, That the Sum of Five Hundred Pounds shall be deposited by the said Commissioners, in the Hands of the Treasurer of the Southern Counties aforesaid, or the Treasurer of the said Counties for the Time being, for the building a Fortification at or near Bear Inlet, for the Safety and Defence of that Harbour; and the Commissioners hereafter named, shall have full Power and Authority to build the said Fortification, and, by Warrant under their Hands, or the Hands of the Major Part of them, to draw, from time to time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them, in building the said Fortification; and the said Treasurer is hereby required on such Warrant or Warrants being produced to him, to pay the same accordingly.

VII. And be it further Enacted, That his Excellency the Governor and Commander for the Time being, Mr. Samuel Johnston, Mr. Edward Ward, Jun., Mr. Stephen Lee, and Mr. John Starkey, Be, and are hereby appointed Commissioners for erecting and building the said Fortification.

VIII. And be it Enacted, That the Sum of Two Thousand Pounds shall be deposited by the said Commissioners, in the Hands of the Treasurer of the Southern Counties aforesaid, or the Treasurer of the said Counties for the Time being, for the building a Fortification at or near the Mouth of Cape Fear River, for the Safety and Defence of that Harbour; and that the Commissioners appointed by an Act of General Assembly, intituled, An Act, for

erecting a Fortification on the lower Part of Cape Fear River, for applying thereto the Powder-money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick, to be layed out and applyed towards building a Fortification at Cape Fear shall have full Power and Authority, by Warrant under their Hands, or by the Hands of the Major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall be due to the several Workmen employed by them in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly: And the said Treasurer shall be allowed One Per Cent. for receiving the said Money, and paying the same out again, as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That Eleazer Allen, Edward Moseley, and Samuel Swann, Esqrs, and Mr. John Starkey, are hereby appointed, authorized, and impowered Commissioners, to stamp and make out, or cause to be stamped, with Copper Plates, and signed with their Hands, Public Bills of Credit of this Province, to the Amount of Twenty One Thousand Three Hundred and Fifty Pounds, at the Rate of Proclamation Money, That is to say, Two Thousand Bills of Four Pence each, Two Thousand Bills of Eight Pence each, Two Thousand Bills of One Shilling each, Two Thousand of Eighteen Pence each, Two Thousand of Two Shillings each, Two Thousand of Two Shillings and Six Pence each; Two Thousand of Three Shillings each, Two Thousand of Five Shillings each, Two Thousand of Six Shillings each, Two Thousand of Seven Shillings and Six Pence each, Two Thousand of Nine Shillings each, Two Thousand of Ten Shillings each, Two Thousand of Fifteen Shillings each, Two Thousand of Twenty Shillings each, Two Thousand of Thirty Shillings each, Two Thousand of Forty Shillings each, and Two Thousand of Three Pounds each.

X. And be it Enacted, by the Authority aforesaid, That when the aforesaid Bills are stamped and signed, the Commissioners aforesaid shall, within Twelve Months, exchange the Bills now Current, after the Rate of One Shilling, for Seven Shillings, and Six Pence, of those which are at present Current; which Difference of Seven Shillings and Six Pence, for One Shilling, Proclamation, hath continued for divers Years past, and is at present the true Difference; and that after the Expiration of the Twelve Months aforesaid, the present Bills of Credit shall not be exchanged, nor shall be a Tender or Taken in any Payment whatsoever.

XI. And be it further Enacted, by the Authority aforesaid, That out of the rest of the Paper Currency, to be stamped and emitted by this Act, the several Persons to whom the Public is Debtor according to the Schedule hereunto annexed, shall be paid the Sums respectively due to them by the Commissioners aforesaid, so soon as the same may be conveniently done; after the Bills by this Act to be emitted, shall be stamped and signed, by which the Commissioners aforesaid, are to give truly and proper Notice, by Advertisements, set up at the several Court-houses in this Government, that they will attend at New Bern, to exchange the said Bills, and pay off the Public Debts, during the sitting of the Two next succeeding General Courts, after such Notice set up as aforesaid.

XII. And be it further Enacted, by the Authority aforesaid, That the Bills of Credit to be emitted by this Act, shall be current, and a lawful Tender, in all Payments whatsoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and Sterling; that is to say, at Four Shillings Proclamation Money, for Three Shillings Sterling.

XIII. And be it further Enacted, by the Authority aforesaid, That if any

Person or Persons shall counterfeit, alter, or erase any of the Public Bills of Credit of this Province, or shall aid or assist in counterfeiting, altering, or erasing such Bills, or shall utter any of the said Bills, knowing them to be so counterfeited, altered, or erased, such Person or Persons so offending, shall, for the first Offence, be whipped, at the Discretion of the Court, not exceeding Forty Lashes, and stand in the Pillory Two Hours, and have both Ears nailed to the Pillory and cut off; and for the second Offence, be deemed a Felon, without Benefit of Clergy, and shall be judged and suffer accordingly.

XIV. And be it further Enacted, by the Authority aforesaid, That after the several Sums by this Act directed to be emitted and paid, shall have been set apart for the Purposes before mentioned, the Residue and Remainder of the aforesaid Sum of Twenty Thousand Three Hundred and Fifty Pounds, shall be and remain in the Custody and Keeping of Mr. John Carruthers, in New Bern, in a strong Chest, well secured with Iron, with Three distinct Locks, the key of one to be kept by the Governor for the Time being, another by the Secretary for the Time being, the third by the Speaker of the Assembly for the Time being, so as the same Bills of Credit may be always ready to defray the contingent Charges of Government, as the Governor, Council, and General Assembly shall direct; and the same Chest shall not be opened for issuing the Bills of Credit, but in the Presence of the several Persons, with whom the Keys are by this Act intrusted, unless otherwise ordered and directed by the General Assembly.

XV. And be it further Enacted, by the Authority aforesaid, That the Sum of One Shilling, Proclamation Money, be Annually Levied on every Taxable Person within this Province, and be collected by the Sheriff of every respective County, and shall be paid, in Gold, Silver, or Bills of Credit, on or before the first Day of March, Yearly; and that all Persons neglecting to pay, the said Tax, at the Time by Law limited, shall be liable to such Distress to be made by the Sheriff, as for Non-Payment of other Taxes; and the said Sheriff of each and every County, on or before the Tenth Day of June, Yearly, shall return a List of Taxables, and also count, upon Oath, and pay into the Hands of the Public Treasurer of the respective Counties, all such Sums of Money as he shall have received by Virtue of this Act, under the Penalty of Two Hundred Pounds, Proclamation Money, for every Default; which said Penalty shall be recovered, by Action of Debt, Bill, Plaint, or Information, in the Supreme Court of this Province, by any Person who shall sue for the same; wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; the one Moiety by him or them who shall sue for the same, the other to be applied by the General Assembly of this Province for the Use the Tax by this Act is intended: And the said Assembly shall cause the said Bills so paid in, to be Annually burnt and destroyed, until the whole currency shall be sunk.

XVI. And whereas there are divers considerable Sums of Loan Money due and unpaid, and the Power of the Treasurers to make Distress is already expired; Therefore be it Enacted, That the several and respective County Treasurers, their Heirs, Executors, or Administrators, shall, and are hereby impowered and authorized, at any Time hereafter, to make Distress of all Goods and Chattels of Persons who are indebted for any Loan Money, or for want of such Goods and Chattels, to seize and dispose of such mortgaged Lands, in order to discharge such Sum or Sums due and in Arrear on such Mortgages; the Expiration of any Law to the contrary, notwithstanding.

XVII. And be it further Enacted, by the Authority aforesaid, That the several County Treasurers, their Heirs, Executors, or Administrators, shall pay, to the Public Treasurer of the respective Counties within this Province,

all the Bills of Credit now in their Hands, or which hereafter shall be by them, or any of them, respectively received; and the said Public Treasurer shall account with, and pay to the General Assembly, all such Sums of Money as they shall receive in Virtue hereof; which shall be burnt and destroyed: And the Clerk of the Assembly shall keep a fair Account of all Monies that shall from Time to Time, be paid in and burnt.

XVIII. And be it further Enacted, by the Authority aforesaid, That the Commissioners herein before appointed, shall, before they enter upon the Execution of their respective Offices, give in Bond, to his Excellency the Governor, for the use of the Public, in the Sum of Three Thousand Pounds, Proclamation Money, each, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act.

XIX. And be it Enacted, by the Authority aforesaid, That the said Commissioners shall have and receive, for their Stamping, exchanging and paying out the said Bills of Credit, the Sum of Five Hundred Pounds, Proclamation Money.

XX. And be it Enacted, That the Act, intituled, An Act, laying a Tax for sinking the now Current Bills of Credit, and also the Act, intituled, An Act, for facilitating the Navigation of the several Ports of this Province, and for buoying and beaoning the Channels leading from Ocacock to Edenton, Bath Town, and New Bern, and from Top-Sail Inlet, to Beaufort Town, and other Ports and Inlets within the said Province, herein mentioned, and for providing sufficient Pilots for the safe Conduct of Vessels; and also the Act, for raising a Public Magazine of Ammunition, upon the Tonnage of all Vessels trading to this Government; and every Clause and Clauses, Article and Articles of them; and also a Clause of an Act, intituled, an Act, for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Government, so far as it relates to the collecting and receiving the said Duties on Wine, Rum, and distilled Liquors, be, and are hereby severally repealed, and declared void as if the same had never been made.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,
Nathaniel Rice, President.
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1748.

At a General Assembly, held at New Bern, the Fifteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Forty Eight. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act to appoint a convenient Place for holding the County Court of Granville, and to empower the Commissioners hereafter named, to build a Court-house, Prison, and Stocks in the said County.

I. Whereas by an Act, intituled an Act for dividing Edgecomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish, and for appointing Vestrymen for the said Parish; amongst other Things it was Enacted, That the Justices of the said Court, or the Majority of them, at their first Meeting, should nominate and appoint a convenient Place within the said County, to build a Court-house, Prison, Stocks; which said Justices, being then unacquainted with the Bounds of the said County, did, by Order of the said Court, appoint a Place whereon to build a Court-house, Prison and Stocks; which said Place, upon Examination is found to be within Six or Seven Miles of the Northwest Corner of the said County, to the great Incommodity and Detriment of the Inhabitants of the said County attending the said Court: Wherefore,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Court-house, Prison, and Stocks, for the said County of Granville, shall be erected on or near a Branch of Tar River, commonly called or known by the Name of Tabb's Creek.

III. And be it further Enacted, by the Authority aforesaid, That Mr. William Eaton, Mr. Edward Jones, and Mr. Jonathan White, be, and they are hereby appointed Commissioners, to make choice of a Convenient and Suitable Place, at or near the said Creek, for the erecting and building thereon a Court-house, Prison, and Stocks, and also, to contract and agree with the Workmen to build the same, of such Dimensions as to them shall seem meet and convenient.

IV. And for defraying the Expence thereof, Be it Enacted, by the Authority aforesaid, That so much of the Tax, laid on the Inhabitants of the said County of Granville, by the above recited Act, not already collected, and paid to the Commissioners, shall, by the Sheriff of the said County, be collected, and by him accounted for, and paid, to the said Commissioners in this Act mentioned and appointed, under the Penalty of Ten Pounds, Proclamation Money, and by them applied for and towards building the Court-house, Prison, and Stocks, in this Act mentioned to be built.

V. And whereas the Court-house, Prison, and Stocks, already begun to be built, will, after the Court-house, Prison, and Stocks, in this Act mentioned to be built, shall be finished, be of no Service to the said County; Therefore,

be it Enacted, That the Commissioners herein appointed, shall have full Power and Authority, and they are hereby vested with full Power and Authority, to sell and dispose of the said Court-house, Prison and Stocks, to the best Advantage; and the Monies arising by such Sale, shall be by them applied for and towards the building of the Court-house, Prison, and Stocks, at Tabb's Creek aforesaid.

VI. And be it Enacted, by the Authority aforesaid, That the Clause of the before recited Act, so far as relates to the appointing a Place for building a Court-house, Prison, and Stocks, and building the same, be, and is hereby repealed and made void, to all Intents and Purposes, and Constructions, as if the same had never been made.

VII. Provided always, That nothing in this Act shall be construed, to make void any Bond entered into by the Justices of the said County, to any Person, or to annul or invalidate, or make void, any Suit that is or may be brought thereon; and that the said Justices lay no further or other Tax than what is already laid, for building the Court-house on Tabb's Creek aforesaid.

CHAPTER II.

An Act for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the General Assembly of this Province, in their travelling to, from, and attending at the said Assemblies; and to compell their Attendance.

I. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That every Member of his Majesty's Council, and every Member of the General Assembly, shall have and receive Seven Shillings, and Six Pence, Proclamation Money, per Day, for any Time he shall serve this present Session of Assembly, or any Time he shall serve in any future Assemblies of this Province, and also, the Sum of Seven Shillings and Six Pence, Proclamation Money, per Day, for any Time he has this Session of Assembly, or hereafter shall be, in travelling to and from any Assembly in this Province and attending the same, together with reasonable Allowance for his Ferriages; which Monies so, becoming due, shall be put on the Estimate of the Public Debts, a Certificate of which shall be delivered, by the Clerk of the General Assembly, counter-signed by the Speaker, to the Person to whom the same shall become due, who is hereby required to produce the same to his Excellency the Governor and Commander in Chief for the Time being, to be by him signed: Which Certificate so signed, being produced to the Public Treasurer, or Treasurers, shall be a sufficient Warrant for him, and he is hereby required to pay the Sum allowed in such Certificate, out of any Public Money in his Hands, not before otherways appropriated by Law; which shall be allowed to such Treasurer, on settling his Public Accounts.

II. And be it further Enacted, by the Authority aforesaid, That whatsoever Member of his Majesty's Honourable Council, or Member of the General Assembly, shall fail in making his personal Appearance, and giving his Attendance, precisely at the Day limited by the Writ, or appointed by prorogation, shall be fined, for every Day's absence during the Sitting of that Assembly, unless by Disability or other Impediments, to be allowed of by the

Council or Assembly, with Regard to their respective Members, Ten Shillings, Proclamation Money, per Day, to be recovered by a Warrant from the Chairman of his Majesty's Council, if one of their Board, and from the Speaker of the General Assembly, for that House, and directed to the Messenger of the respective House of which such Person so absenting is a Member; who is hereby impowered and required to levy the same, by Distress and Sale of the Offender's Goods, and to return the said Fine or Fines to the Governor, Council, and General Assembly; which shall be applied by them to the Use of the Public.

III. And be it further Enacted, by the Authority aforesaid, That every Member of his Majesty's Council, or Member of the General Assembly, who, after making his personal Appearance as aforesaid, shall absent himself from the Service of his House, without leave first had and obtained from such House, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every Day he shall so absent himself; to be recovered, levied, and applied, as aforesaid, and may be sent for in Custody of the Serjeant at Arms, by a Warrant from the Chairman or Speaker aforesaid, at his own Expence, and be further liable to the Censure of the House of which he is a Member, for such his Contempt.

CHAPTER III.

An Act for ascertaining the Bounds of a certain Tract of Land formerly laid out by Treaty to the use of the Tuskerora Indians, so long as they, or any of them, shall occupy and live upon the same; and to prevent any Person or Persons taking up Lands, or settling within the said Bounds, by Pretence of any Purchase or Purchases made, or that shall be made, from the said Indians.

I. Whereas Complaints are made by the Tuskerora Indians, of divers Incroachments made by the English on their Lands, and it being but just that the ancient Inhabitants of this Province shall have and enjoy a quiet and convenient Dwelling-place in this their native County; Wherefore,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Lands formerly allotted the Tuskerora Indians, by solemn Treaty, lying on the Morattock River, in Bertie County, being the same whereon they now dwell, butted and bounded as follows, viz., Beginning at the Mouth of Quitsnoy Swamp, running up the said Swamp Four Hundred and Thirty Poles, to a Scrubby Oak, near the Head of the said Swamp, by a Great Spring; then North Ten Degrees East, Eight Hundred and Fifty Poles, to a Persimmon Tree on the Raquis Swamp; then along the Swamp and Pocoson main Course, North Fifty Seven Degrees West, Two Thousand Six Hundred and Forty Poles to a Hickory on the East Side of the Falling Run, or Deep Creek, and down the various Courses of the said Run to Morattock River; then down the River to the first Station; shall be confirmed and assured, and by Virtue of this Act, is confirmed and assured, unto James Blount, Chief of the Tuskerora Nation, and the People under his Charge, their Heirs and Successors, forever; any Law, Usage, or Grant, to the contrary, notwithstanding.

III. Provided always, That it shall and may be lawful for any Person or Persons, that have formerly obtained any Grant or Grants, under the late

Lords Proprietors, for any Tracts or Parcels of Land within the aforesaid Boundaries, upon the said Indians deserting or leaving the said Lands, to enter, occupy, and enjoy the same, according to the Tenor of their several Grants; any Thing herein to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That it shall not nor may be lawful, for the Lord Granville's Receiver to ask, have, or demand, any Quit-Rents for any of the said Tracts or Parcels of Land, taken up within the said Indian Boundaries, as aforesaid, until such Time the Indians have deserted the same, and the Patentee be in Possession thereof, and then only for such Rents as shall from thence arise and become due; any Law, Usage, or Custom, to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority Aforesaid, That no Person, for any Consideration whatsoever, shall purchase or buy any Tract or Parcel of Land, claimed, or in Possession of any Indian or Indians, but all such Bargains and Sales shall be, and are hereby declared to be null and void, and of none Effect; and the Person so purchasing or buying any Land of any Indian or Indians, shall further forfeit the Sum of Ten Pounds, Proclamation Money for every Hundred Acres by him purchased and bought; one Half to the Use of the Public, the other Half to him or them that will sue for the same; to be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Government, wherein no Essoign, Protection, Injunction, or Wager of Law shall be allowed or admitted of.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, other than the said Indians who are now dwelling on any of the Land within the Bounds above-mentioned, to have been allotted, laid out, and prescribed to the said Tuskerora Indians, shall, on or before the Twenty Fifth Day of March, next ensuing the Ratification of this Act, remove him or herself and Family off the said Land, under the Penalty of Twenty Pounds, Proclamation Money; And if any Person or Persons, other than the said Indians, shall neglect or refuse to move him or herself and Family off the said Lands, on or before the Twenty Fifth Day of March next; and if any Person or Persons, other than the said Indians, shall hereafter presume to settle, inhabit, or occupy any of the said Lands hereby allotted and assigned for the said Tuskerora Indians; such Person or Persons shall forfeit the further Penalty of Twenty Shillings, Proclamation Money, for each and every Day he, or she, or they shall inhabit or occupy any Lands within the said Indian Bounds, after the said Twenty Fifth Day of March next; and the said Penalties to be recovered and applied in the same Manner as the Penalty in this Act first above mentioned.

VII. And whereas the said Lands belonging to the Tuskerora Indians, have been lately laid out and new Marked, by George Gould, Esq., Surveyor General, at the Request of the said Indians; Therefore be it Enacted, That the said George Gould, Esq., have and receive, for the Trouble and Expence he hath been at in laying out and marking the Indians' Land aforesaid, the Sum of Twenty Five Pounds, Proclamation Money; to be paid by the Public out of the Monies in the Public Treasury.

VIII. And whereas the Indians complain of Injuries received from People driving Stocks of Horses, Cattle, and Hogs, to range on their Lands; for Remedy whereof, Be it Enacted, That Persons driving Stocks to range, or Stocks actually ranging on the Indians' Lands, shall, and are hereby declared, to be liable and subject to the like Penalties and Forfeitures, and may be proceeded against in the same Manner, and subject to the same Recoveries, as by the Law of this Province Stocks driven or ranging upon any White People's Land are liable and subject to; and the said Indians

shall and may enjoy the Benefit of the Laws in that Case made and provided, in the same Manner as the white People do or can; any Law, Usage, or Custom, to the contrary, notwithstanding.

CHAPTER IV.

An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

I. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That all Persons, seized, or Possessed of any Lands in this Province, by any Title or Claim whatsoever, under the late Lords Proprietors, shall, within Twelve Months after this Act shall be published, in the Manner as is hereafter mentioned, register, or tender to be registered or entered, their Patent, Grant, or mesne Conveyance, by which they claim, if in his Majesty's Part of the Province, in the Office of the Auditor General, or his Deputy, if such Lands are not already entered in the said Office, for which no fee or Reward shall be taken, or with the Clerk of the County Court where such Lands may lie, who shall take and receive the Sum of Sixteen Pence, Proclamation Money, for each Patent, Grant, or mesne Conveyance, or the Abstract thereof; which Abstract shall contain the Buttings and Boundings, or Descriptions of the said Lands so registered or entered; and shall likewise transmit an exact Copy of the same Patent, Grant, or mesne Conveyance, or the Abstract thereof, so registered, to the Office of the Auditor General, or his Deputy, on or before the First Day of January, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, under the Penalty of Five Pounds, Proclamation Money; to be recovered, by Action of Debt, in any of his Majesty's Courts of Record within this Province, by any Person whatsoever that will sue for the same.

II. And be it further Enacted, by the Authority aforesaid, That all Persons seized or Possessed of any Lands within that Part of the Province granted by his Majesty, the Seventeenth Day of September, in the Eighteenth Year of his Reign, in the Year of our Lord One Thousand Seven Hundred and Forty Four, into the Right Honourable John Earl Granville, by the Name, Style, and Title of the Honourable John Lord Carteret, shall within Twelve Months after this Act shall be published, in the Manner as is hereinafter mentioned, enter, or tender to be entered, their Patent, Grant, or mesne Conveyance, by which they claim any such Lands, in the Office of the Right Honourable the Earl Granville, at Edenton, or at the County Court-house where the Land lieth, with such Person as shall be appointed by the said Earl's Agent or Agents, who shall enter the same, or an Abstract thereof, for which no Fee or Reward shall be paid; which Abstract shall contain the Buttings and Boundings, and Descriptions of the said Lands.

III. And be it further Enacted, by the Authority aforesaid, That all Patents, Grants, or mesne Conveyances of Lands, claimed under the Lords Proprietors, which shall not be entered, or tendered to be entered, as aforesaid either in the Auditor's Office or the Office of the Earl of Granville, shall be deemed and taken to be null and void, and all the Lands thereby granted, to be vacant Lands, and shall and may be granted by his Majesty, his Heirs, and Successors, or by the Earl Granville, his Heirs, or Assigns, to any Per-

son whatsoever; excepting the Lands of Orphans, or Minors, who shall be allowed Twelve Months, after they arrive at Age, to enter the same in the Auditor's Office, or the Office of the Earl Granville; except also all Persons now absent in Parts beyond the Seas, who shall be allowed Five Years for entering such Titles, in Case they continue so long absent, but if they arrive sooner, then only Eight Months after the Arrival.

IV. And for the better ascertaining a Yearly Rent-Roll to his Majesty, and Earl Granville, and for the securing the Quit-Rents for such Lands as shall hereafter be transferred from one Person to another, by mesne Conveyance, or Will; Be it further Enacted, by the Authority aforesaid, That the Public Register in each and every County within this Province, shall, on or before the first Day of February, Yearly, and every Year, transmit to the Office of his Majesty's Auditor-General or his Deputy, or to the Agents of the Lord Granville, if the Lands lie in that Part of the Province granted to the said Lord by his Majesty, a true and exact List of all the Lands so conveyed within such County for which he is Register containing the Parties' Names, the Number of Acres, Situation of such Lands, and the Date of such Conveyance, under the Penalty of Five Pounds, Proclamation Money, for each Neglect; to be recovered, by Action of Debt, Bill, Complaint, or Information, in any of his Majesty's Courts of Record within this Province, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of, by any Person who shall sue for the same; for which such Register shall take and receive of the Party registering, Eight Pence, Proclamation Money, for each Deed or mesne Conveyance; And that the Secretary for the Time being, or his Deputy, do, in like Manner, on or before the first Day of February, Yearly, and every Year, transmit to the Office of his Majesty's Auditor-General, or his Deputy, or to the Agents of the Lord Granville, if the Lands lie in that Part of the Province granted to the said Lord by his Majesty, a True and exact List of all the Lands bequeathed by Will, recorded in the Secretary's Office, containing the Date of the Will, the Name or Names of the Legatees, the Number of Acres, and the Counties where such Lands lie, under the like Penalty; to be recovered as aforesaid; for which the said Secretary, or his Deputy, shall take and receive, of the Party's lodging such Wills in the Secretary's Office, Eight Pence, Proclamation Money, for each Will.

V. And whereas several Persons have been for many Years in quiet Possession of Lands in this Province, and have, by Fire or otherwise, lost their Patents, Grants, or mesne Conveyances of their Lands; Be it Enacted by the Authority aforesaid, That all Persons who have, or those under whom they claim, have been in actual and quiet Possession of any Tract or Tracts of Land, for the Space of Twenty Years, next before the Ratification of this Act, and shall make Proof thereof before the Governor and Council, or General Court, or the Court of the County where the Land lieth, and shall enter such Proof in the Auditor's Office, or Office of the Earl Granville, in Case the Land shall lie within his Territory or District; that then, and from thenceforth, such Persons, their Heirs, and Assigns, shall quietly hold and enjoy such Tract or Tracts of Land, against his Majesty, his Heirs, and Successors, or against the said Earl Granville, his Heirs and Assigns, he or they paying the highest Quit-Rents that were actually reserved and made payable to the late Lords Proprietors, in the respective Counties where such Lands lie.

VI. And be it further Enacted, by the Authority aforesaid, That the Quit-Rents hereafter to be paid for any Lands already Granted, or that shall hereafter be granted, within this Province, or which have been actually

possessed by any Person for the Space of Twenty Years last past, shall be paid in Proclamation Money, at the Court-house in the County where such Lands lieth, or in Inspectors' Notes for Tobacco, at One Penny Proclamation Money, per Pound, or Indigo, at Four Shillings, Proclamation Money, per Pound, good and merchantable, and such as the Inspector shall judge will be intituled to the Bounty given by Act of Parliament, being well inspected, after the same Manner as Tobacco is to be inspected for Payment of Public Taxes, if delivered at such inspecting Houses as are appointed by Law, where Boats or Pettiaguas may conveniently go to receive the same; and provided, that the Tobacco to be delivered at such Houses shall not weigh less than Nine Hundred Weight, Nett Tobacco, in each Hogshead.

VII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Inhabitants of all and every County or Counties that have not an inspecting house within their County or Counties at a convenient Landing, to send their Tobacco or Indigo to the next convenient inspecting House in any other County, where any Boat or Pettiagua may conveniently come, to transport or take away such Tobacco or Indigo, in Manner as aforesaid; and the Inspector of such inspecting-house shall receive and inspect the same, at the said Inspecting-house, provided such Tobacco shall be delivered at the said Inspecting-house in Hogsheads, containing not under Nine Hundred Weight of Nett Tobacco, each.

VIII. And be it further Enacted, by the Authority aforesaid, That the Record of every Patent or Grant registered in the Secretary's Offices or the Abstracts of them, entered in the Auditor's Office, or the Office of the Earl of Granville, or Exemplifications of them, duly proved, shall be as good and valid in Law, as if the Originals were produced, and may be pleaded and given in Evidence as well as if the Originals were in Being.

IX. And be it further Enacted, by the Authority aforesaid, That the Secretary shall make out, and send to the Clerk of the Court of every County in this Province, a Copy of this Act, within Three Months next after the Ratification hereof, under the Penalty of Twenty Pounds, Proclamation Money; and the Clerk of every County Court shall, the first Court after the Receipt of such Copy, publish the same by Publicly reading thereof in open Court, the second Day of the Sitting of the said Court, under the Penalty of Twenty Pounds, Proclamation Money; the said Penalties to be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province, by him or them that will sue for the same.

CHAPTER V.

An Act to appoint an Agent to solicit the Affairs of this Province at the several Boards in England

I. Whereas for want of an Agent, appointed by Public Authority, to solicit and truly represent the Affairs of this Province at the several Boards in England, they have often been misrepresented there, to the great Prejudice of the Inhabitants of the said Province: Wherefore,

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That James Abercromby, of London, in the Kingdom of Great Britain, Esq., be, and is hereby appointed Agent of this Province from the Ratification of this Act, for and

during the term of two Years, next after the Twenty Fifth Day of March ensuing, to solicit, represent, and transact all such Public Affairs and Business, now relating to the said Province, or that shall or may be moved concerning the same, at any of the Boards in England, during the said Term or Time, according as he shall, from Time to Time, find Occasion, or be directed or instructed, by the Committee of Correspondence herein appointed.

III. And that the said James Abercromby, Esq., in Consideration of his Trouble, Charges, and Expences, in transacting the Public Business of this Province, as Agent, to this Time, and until the Twenty Fifth Day of March, next ensuing, be, and is hereby allowed, the Sum of One Hundred Pounds, Sterling, to be paid immediately after the Ratification of this Act, to the said Committee, for the Use of the said James Abercromby, Esq., out of the Public Treasury, by a Warrant from his Excellency the Governor; which said Sum, shall, by the said Committee, be remitted to the said James Abercromby, by the first Opportunity; and also, the further Sum of Fifty Pounds, Sterling, Yearly, for the said Two Years next after the said Twenty Fifth Day of March, after the Ratification of this Act; which said Sum of Fifty Pounds, shall be yearly paid, out of the Public Treasury, to the said Committee, for the Use of the said James Abercromby, by Warrant from his Excellency the Governor, and be remitted, by the said Committee, to the said James Abercromby.

IV. And be it further Enacted, That the Honourable Robert Halton, and Eleazer Allen, Esqrs.; and Samuel Swann, John Swann, and John Starkey, Esqrs.; and the Majority of them, or the Majority of the Survivors of them, be, and they are hereby nominated and appointed a Committee of Correspondence, from the Ratification of this Act, and during the Continuance of the said Agency; and shall, from Time to Time, during the said Two Years, correspond with the said James Abercromby, Esq., and advise, direct, and instruct him in all such Matters relating to this Province, as may be moved or solicited, or that they may think proper, at any Time, to move or solicit before his Majesty in Council, or at any of the Boards in England: And the said Committee shall, from Time to Time, as often as required, lay before the Governor, Council, and General Assembly, the Advices they shall receive from the said Agent, during the said Two Years; and also Copies of such Dispatches, orders and Directions, as they shall send to him.

V. And be it Enacted, by the Authority aforesaid, That this Act shall be in Force, for and during the Space and Term of Two Years, next after the Twenty Fifth Day of March next, and no longer.

CHAPTER VI.

An Act for the better regulating the Town of New Bern, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town.

I. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That it shall and may be lawful for such Persons, who are qualified by Law to vote for a Member to serve in General Assembly for the said Town of New Bern, Yearly, after the Ratification of this Act, to assemble and meet, at the Court-house in New Bern, on the first Tuesday in November,

and then and there choose, by Ballot, in the same Manner as directed in the Law for regulating Elections for Members of Assembly, Five Freeholders, Inhabitants of the said Town, and no more, as Commissioners, for the said Town; and that upon the said Commissioners being chosen, and their Names being properly entered in the Journal of the Proceedings of the said Town, they shall, before they enter on the said Office, take the following Oath: I, A. B., do swear, That I will execute the Office of a Commissioner, faithfully and truly, without Favour, Affection, or Prejudice; and in all Things act for the Good of the Town, and the well governing of it, to the best of my Skill and Judgment; So help me God. And the said Commissioners, after having been so chosen and sworn as aforesaid, shall proceed to elect one out of their Number to be Treasurer for the said Town, and enter such Election in the Journal of the said Town; into which Treasurer's Hands all Monies arising by Sale of Lots, or otherwise by Fine, shall be paid and kept, till disposed of as hereafter directed; who is also hereby required to account with the Proprietor of the said Town, for such Monies as arise by Sale of Lots, and also with the succeeding Treasurer and Commissioners, for all other Monies by him received, during his being Treasurer aforesaid.

II. And be it further Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, may, and they are hereby empowered, to order the Owner of any Lot or Lots to clear all or any Part of them, and to make proper Drains of Water-Courses thro' them, in Six Months after such Order, signed by the Commissioners for the Time being, or the Majority of them; and any Person refusing to comply with the same, or neglecting, shall forfeit and pay Twenty Shillings, Proclamation Money: The Commissioners are also empowered to issue their Warrant, at least Twice a Year, to the Constable, to warn all the Male Tithables to clear or repair the Streets, or make or mend any Public Wharfs or Docks, and also appoint Overseers; any Person neglecting or refusing to Work as directed in this Warrant, or to furnish a sufficient Hand in his or her Place, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, per Day for every such Refusal or Neglect.

III. And whereas the inclosing and fencing the Town of New Bern, will be not only commodious to the Inhabitants, but convenient for Travellers, as well as all other Persons who have Business in the said Town; Be it Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, are hereby empowered to employ Workmen to make up a good and sufficient Fence round the said Town, with such Gates as they shall think proper, and compute the Charge or the making or repairing the same, and lay the same, on the Third Tuesday in March, Yearly, before the County Court, which is hereby empowered to lay a Tax or Levy on each Tithable Person in the County of Craven, and on each Person of a saved Lot in the Town of New Bern, and taxable Persons inhabiting the same, for defraying the said Charge, not exceeding Four Pence, Proclamation Money, Yearly, to be collected by the Sheriff, in the same Manner, and under the same Penalties, as other County Taxes are usually collected; and the Town so fenced is hereby declared to be a Public Pasture, for the Horses of all Travellers, during their Stay in Town, but no longer, for any other Creature except Horses.

IV. And be it further Enacted, by the Authority aforesaid, That any Person whatsoever that shall pull down, take away, or by any means destroy any of the Rails of the said Fence, or any Part thereof, and being thereof

lawfully convicted by the Oath of any credible Witness, before one or more of the Justices of the Peace, shall forfeit and pay, into the Hands of the Commissioners, for the first Offence, Twenty Shillings, Proclamation, and for the Second, Forty Shillings, like Money; to be recovered by the Commissioners, by Warrant from Two Justices of the Peace; which Monies so recovered, shall be applied towards repairing the said Fence.

V. And be it further Enacted, by the Authority aforesaid, That none of the Inhabitants of the said Town, shall keep, or cause to be kept, running at large within the Bounds of the said Town, more than one Cow and Calf, or one Horse, or Six Head of Sheep, for one saved Lot, and so in Proportion for each saved Lot by them possessed, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence, to be recovered as in this Act is hereafter directed.

VI. And be it further Enacted, by the Authority aforesaid, That none of the Inhabitants of the said Town, shall suffer any Hog or Hogs to run at large within the Bounds of the said Town, under the Forfeiture of such Hog or Hogs, to any Person who shall seize or kill the same.

VII. And be it further Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, (except the Inhabitants of the said Town) shall keep, or cause to be kept, any Horses, Cattle or Sheep within the said Town, under the Penalty of Twenty Pounds, Proclamation Money, for each and every Offence; to be recovered and applied as hereafter directed, except their riding Horses, during their Stay in Town: And the Commissioners, or the Majority of them, for the time being, are hereby authorized to cause a Pound to be built and erected, to impound any Horse or Horses, Cattle or Sheep, found at large within the said Bounds of the said Town, contrary to the Meaning of this Act.

VIII. And be it further Enacted, by the Authority aforesaid, That the several Penalties in this Act mentioned, except for destroying the Fence aforesaid shau, by the Commissioners, or the Majority of them, be recovered by a Warrant from Two Justices of the Peace, and be applied towards the making Public Wharfs, erecting a Pound, or repairing the Streets, and to no other Purpose.

IX. And whereas the settlement of the Town of New Bern, hath been much retarded by Persons taking up Lots in the said Town, and not building thereon, as by the Tenor of their Deeds or Grants, and the Law, intituled, an Act for the better settling the Town of New Bern, is expressly provided.

X. And whereas, after the Time therein limited thereon, the same Persons have been permitted to enter and take up the same again, whereby some of the most convenient Lots in the said Town lie unimproved: For Prevention whereof for the future.

XI. Be it Enacted, by the Authority aforesaid, That the Commissioners of the said Town for the Time being, or any Three of them, whereof the Treasurer to be one, are hereby authorized, impowered, and directed, to grant, convey and acknowledge, to any Persons requiring the same, any Lot or Lots of Land within the said Town, not already taken up and built on, agreeable to the said Act, or any Lot or Lots that may hereafter be liable to be taken up for Want of being built on as aforesaid, for the same Consideration, and under the same Restrictions, Limitations, and Forfeitures, as Lots have heretofore been granted, agreeable to the said Act of Assembly for the better settling the Town of New Bern, before mentioned.

XII. Provided nevertheless, That where any Person shall have taken up any Lot or Lots, and hath not built thereon and improved the same, agreeable to the Tenor of his or her Deed or Grant, and the aforesaid Act of

Assembly, the same Person (Except where the Title of such Lot or Lots, before the Expiration of the time for building thereon, shall fall to a Minor or Minors) shall not have the Preference to be allowed to take up the same again, until the same hath layed vacant Six Months; but the same may and shall, immediately, or any Time after, be granted to any other Person desiring the same, on the same Conditions mentioned by the said Law; and the Commissioners for the Time being, are hereby required to keep a fair Book wherein they shall enter the Time when any Lot was granted, and to what Person, and also of the Time when the same became liable; which Book any Person shall have free Liberty of perusing, as they see proper, at all Times.

XIII. And whereas sundry Disputes may hereafter arise, concerning the Titles to the Lots in New Bern, and the Bounds thereof; Be it Enacted, by the Authority aforesaid, That the Commissioners or Justices formerly appointed, by Act of General Assembly of this Province, intituled, An Act for the better settling of the Town of New Bern, in the Precinct of Craven, and their Successors, are hereby declared to have had a good, absolute, and indefeasible Estate, in Fee, in the Two Hundred and Fifty Acres of Land, by the said Act of Assembly allotted and laid out for the Town of New Bern respectively, in Trust and Confidence, to and for the Uses in the said Act mentioned; and the Commissioners or Justices for this Act, hereafter to be chosen and elected, as before mentioned, are hereby declared to have, for the Time being, a good, absolute, and indefeasible Estate, in Fee, in all such Lands or Lots within the Limits of the said Town, which have not been disposed of by the former Commissioners or Justices, and built on, agreeable to the before recited Act for settling the Town, but in Trust and Confidence, to and for the Uses in the before recited Act mentioned, and for no other Use or Purpose whatsoever; and the said Lands or Lots contained in the said Two Hundred and Fifty Acres of Land, are hereby confirmed to the said Commissioners or Justices, for the Time being, in Fee, to the Use or Uses in the said Act mentioned, and to no other Use or Purpose whatsoever.

XIV. Provided always, and be it further Enacted, That nothing in the afore-recited Act, or in this Act, shall be construed or extended to the defeating the Title to any Lot in the said Town which had been built upon and improved before the first recited Act; any Thing in the same to the contrary, notwithstanding.

XV. And be it further Enacted, by the Authority aforesaid, That all and every Person or Persons, who have purchased and paid for any Lot or Lots of Land in the Said Town of New Bern, of any of the Commissioners or Justices, pursuant to the above-mentioned Act of Assembly, and have fully complied with the Conditions in the said Act mentioned; and all Persons which may hereafter purchase and pay for any Lot or Lots of Land in the said Town, of any of the Commissioners hereafter to be elected and chosen agreeable to this Act, and shall fully comply with the Conditions in their Deed or Grant, and the above-recited Act of Assembly; are hereby declared to be invested with a good, absolute and indefeasible Estate, in fee, to such Lot or Lots, and the same are hereby confirmed, in Fee to such Person, or Persons, and to his and their Heirs and Assigns, forever.

XVI. And be it further Enacted, by the Authority aforesaid, That all Water or Front Lots, adjoining the Street or Lots of the said Town of New Bern, shall be deemed, held and taken to be Part of the said Town; and it shall and may be lawful for any Person to take up the same, and build thereon, any Wharf, Warehouse, or other Improvements, as they shall think

proper, after giving Three Months' Notice to the Owner or Owners of such Lots as shall front such Water Lots.

XVII. And be it Enacted, by the Authority aforesaid, That it shall and may be lawful for the Commissioners aforesaid, to choose, employ and agree with a proper Person, as Clerk of the said Town; which Clerk is hereby required to keep a fair and regular Journal of all the Proceedings concerning the said Town, and register therein all Deeds given by the Commissioners for Lots, entered and taken up, for which he shall receive from the Owner or Taker-up of the said Lot, Two Shillings and Eight Pence, Proclamation Money, and no more: which said Book or Journal shall be free for any Person's Perusal, on Paying One Shilling, Proclamation Money, under the Penalty of Twenty Shillings, like Money; to be recovered from the said Clerk, in Manner aforesaid, for every such Refusal or Neglect, to be recovered as aforesaid.

XVIII. And be it further Enacted, by the Authority aforesaid, That the Commissioners of New Bern, shall cause to be made a new and correct Plan of the said Town, with proper Descriptions, and lay the same before the Governor, Council, and General Assembly, at their next sitting; which Plan, when approved of by them, shall be deemed and taken to be the true Plan of the said Town, and no other Plan to be admitted: Provided, That in the same Plan so to be Made, Regard shall be had to the first Owner of every saved Lot, to preserve his Title thereto, altho' it should appear that the same was misnumbered.

XIX. And be it further Enacted, by the Authority aforesaid, That all and every Person or Persons, who have or hold Lots already saved in the said Town, or that shall hereafter save any Lot or Lots in the said Town, such Person or Persons shall within Six Months after the Ratification of this Act, register all such Lot or Lots already saved, with the register of the said County, or within Six Months after the Date of such Deed or Conveyance.

XX. And be it Enacted, by the Authority aforesaid, That the Clause in the before-recited Act, and so much thereof as relates to the appointing Commissioners or Justices for the Town of New Bern, be, and is hereby repealed, to all Intents and Purposes.

CHAPTER VII.

An Act to alter and amend an Act, intituled, An Act for appointing Commissioners to revise and print the Laws of this Province; and for granting unto his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

I. Whereas the revising and printing the Laws of this Province tho' so very much wanted and desired, hath hitherto met with unexpected delay: For Remedy whereof,

II. We pray your most sacred Majesty that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That such Commissioner or Commissioners only in the above recited Act mentioned who shall revise and compile the Laws of this Province into One Body, and make an Index, Marginal Notes, and References thereto, ready to be laid before the General Assembly, by them to be ratified and confirmed, shall have and receive, to his and their own Use, the Sum of Sixty Pounds,

Proclamation Money, in the said above recited Law mentioned; and in Order to enable the said Commissioner or Commissioners to procure an able Clerk or Clerks to expedite the same, he or they shall have and receive the additional Sum of Forty Pounds, Proclamation Money; to be paid by the General Assembly, out of the Duty already arisen by Virtue of the said Act; and in Case any Deficiency shall happen, then the said Commissioner or Commissioners shall be paid the same out of the Public Treasury: Provided the said Laws shall be revised, compiled, and compleated, ready to be laid before the General Assembly of this Province, within the Space of Five Months, next after the Ratification of this Act, or at the first meeting of the General Assembly after that Term, and not otherwise.

III. And be it further Enacted, by the Authority aforesaid, That such Commissioner or Commissioners, who shall revise and compile the said Laws as aforesaid, after the Ratification of the same, shall print them, together with such other Laws as shall be passed to the Time of such Ratification, and shall have the Benefit and Advantage of the sole Printing and vending the said Books, for the Space of Five Years; and also, have and receive, to his or their own Use, for printing and delivering the several Books of the said Laws, mentioned in the above recited Act, so revised and compiled, the Sum of One Hundred Pounds, Proclamation Money; and may lawfully take and receive the Sum of Twenty Shillings, Proclamation Money, for each bound Book by him or them printed and sold, and no more.

IV. And be it further Enacted, That the said Laws so revised, compiled, and printed, by one or more of the Commissioners aforesaid, and ratified by the General Assembly, as aforesaid, shall be allowed to be given in Evidence, and, to all Intents and Purposes, be as good and valid in Law as tho' they had been revised, compiled and printed, by all the Commissioners or the Majority of them: And all Persons are hereby prohibited to import or vend any Printed Book or Books of the said Laws in this Province, other than such Person or Persons as shall be authorized and impowered by the Commissioner or Commissioners who actually revised, compiled, and printed the same, under the same Penalties, and to be recovered in the same Manner, as is prescribed in the Act first above recited, in Case the whole Number of Commissioners, or the Majority of them, had revised, compiled, and printed the said Laws; any Law or Clause of a Law, to the contrary, notwithstanding.

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA,

1749.

At a General Assembly, held at New Bern, the Fourteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Nine. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Additional Act to an Act, intituled, An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents

I. Whereas, by an Act of the General Assembly of this Province, passed the Sixteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled, An act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents; it is, among other Things Enacted, that the Quit-Rents hereafter to be paid for any Lands already granted within this Province, or which have been actually possessed by any Person for the Space of Twenty Years last past, shall be paid in Proclamation Money at the Court-house in the County where such Land lieth, or Inspectors' Notes for Tobacco, at One Penny Proclamation Money, per Pound, or Indigo, at Four Shillings, Proclamation Money, per Pound, good and merchantable, and such as the Inspector shall judge will be intituled to the Bounty given by the Act of Parliament, being well inspected, after the same Manner as Tobacco is to be inspected for Payment of Public Taxes, if delivered at such Inspecting-houses as are appointed by Law, where Boats or Pettiaguas may conveniently go to receive the same; and provided, that the Tobacco to be delivered at such Houses, shall not weigh less than Nine Hundred Weight, Nett Tobacco, in each Hogshead: And whereas large Ar-rears of Quit-Rents are now become due to his Majesty, and to the Right Honourable the Earl of Granville, and no Provision being made in the before recited Act, as a Fee to the Sheriffs of each County for executing a Warrant of Distress on the Defaulters.

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, That from and after the passing of this Act, every Sheriff of any County in this Province, or other Person who shall be appointed Deputy-Receiver of his Majesty's Quit-Rents, or Collector and Receiver of the Quit-Rents due to the Earl Granville, shall have and receive the same Fees for executing a Warrant of Distress, as are appointed by Law in Cases of Executions at the Common Law; and shall be subject to the same Penalties for any Exaction, or receiving more than such Allowances as are in that Case made and provided.

III. And in order to prevent any Mistakes that may arise, by the Receiver-General, or the Earl Granville's collector or Receiver, their not knowing what Lands are transferred from one Person to another within this Province, either by Will, mesne Conveyance or other Transfer; Be it En-acted, by the Authority aforesaid, That the Deputy Auditor for the Time being, shall every six months transmit to the Receiver-General for the

Time being, the same Extracts of all such Legacies, mesne Conveyances, or other Transfers of Land from one Person to another, as he shall, from Time to Time, receive from the Secretary of this Province, or from the Registers of each County respectively, under the Penalty of Two Shillings and Six Pence Proclamation Money, for each Extract he shall neglect so to transmit; to be recovered as other Penalties are directed to be recovered by the afore-recited Act; the said Extracts to contain the Names of all the Parties, the Number of Acres of Land, where situated, and at what Quit-Rents the said Lands are held.

IV. And be it further Enacted, That after the Register or Secretary shall, as before mentioned, transmit such List, as aforesaid, the Person to whom such mesne Conveyance is made, or to whom any such Lands shall be devised by Will, shall (all Arrears of Quit-Rents being first paid) only be chargeable with the Quit-Rents of such Land, and no other Person whatsoever; Any Law, Usage, or Custom, to the Contrary, notwithstanding.

V. And in order to prevent any Complaints that may arise by Mistake on Warrants of Distress to be issued against Defaulters, of the exact sum which shall be due, and which, from the great Number of Defaulters, and the Length of Time they have been in Arrear, may probably happen; Be it Enacted, by the Authority aforesaid, That where any Warrant of Distress shall be issued by the Receiver-General, or the Earl Granville's Receiver, to be levied on any Defaulter, and the said Defaulter shall think himself overcharged, or that the Sum mentioned in the said Warrant is not due to the Crown, or to the Earl of Granville; in such Case the said Defaulter shall, and is hereby required, to produce his last Receipt for the Quit-Rents of such Lands as the Warrant shall be issued for, and shall be accountable only from the Date of such last Receipt; but if such last Receipt shall be lost or mislaid, and the Defaulter shall apprehend he is overcharged in the said Warrant, that then such Defaulter shall make Oath, before any Magistrate, That such last receipt is, bona fide, lost or mislaid, or otherwise not in his Power to produce, and he verily believes in his Conscience he is not indebted to the Crown, or the Earl Granville, in the Sum mentioned in the Warrant In which Case, the Sheriff of the County or other Deputy to whom the Warrant shall be directed, shall stop all Proceedings for that Time, and make Report thereof to the Receiver-General, or the Earl Granville's Receiver, in order to rectify the said Mistake; if any otherwise, the said Defaulter shall be accountable for the whole Sum mentioned in the said Warrant; and the Sheriff or other Deputy shall levy the same accordingly.

VI. Provided, That no Distress be made upon any Negro or Negroes, Ox or Oxen, Horse, or Horses of the Plough, nor any necessary utensils for Husbandry, where other sufficient Distress is produced; and that all Distresses made in Virtue of this Act, shall be safely kept by the Sheriff or other Person making the same; until the Second Day of the next subsequent Court of the County where such Distress shall be made, and shall then be sold for Gold, Silver, Bills, or Inspectors' Notes for Tobacco, and Indigo, by the said Sheriff, or other Person making such Distress as aforesaid, (except redeemed before that Time by the Person from whom taken) at Public Vendue, to the highest Bidder; the surplus of such Distress, if any, after the Quit-Rent and Officers' Fees deducted, shall be returned to the Person from whom such Distress shall be taken.

VII. And whereas, in the before recited Act no Allowance is made to any Person or Persons, for the Hogshead in which any Tobacco may be paid for Quit-Rents, agreeable to the said Act; Be it Enacted by the Authority aforesaid, That all and every Person and Persons, who shall pay Tobacco in

Hogsheads agreeable to the said Act, shall be allowed Three Shillings, Proclamation Money, for each Hogshead, in which shall be contained Nine Hundred Pounds of Nett Tobacco.

CHAPTER II.

An Act for the Relief for poor Debtors, as to the Imprisonment of their Persons.

I. Be it Enacted, by his Excellency the Governor, Council, and General Assembly of this Province, That if any Handicraft Tradesman, or any other Person whatsoever, shall be in Prison within this Province, on mesne Processes, or Execution for any debt, above Forty Shillings Proclamation money, and hath no visible Estate, Real or Personal, and shall make Oath, before the Court of the County where he is in Prison, or in the Vacation, before some two Justices of the Peace for that County, being both present together, the Creditor or Creditors at whose Suit he is confined being first personally summoned to appear at the same Time; That he hath not the Worth of Forty Shillings, Sterling Money, in any worldly Substance, either in Debts owing to him, or otherwise howsoever, over and besides his wearing apparel, working Tools, and Arms for Muster; and that he has not, at any Time since his Imprisonment, or before, directly, or indirectly, sold, assigned, or otherwise disposed of, or made over, in Trust for himself, or otherwise, any Part of his Real or Personal Estate, whereby to expect or have any Benefit or Profit to himself, or to defraud any of his Creditors to whom he is indebted; and if there be no person present that can prove the contrary, then such Person, by such Court or Justices, without Form or Trial, shall immediately be set at Liberty, and shall stand forever discharged of all such Debts so sued for, and all Costs of Suit: But in Case such Person shall afterwards be discovered to have sworn falsely, he shall be indicted for Perjury; and if convicted, shall lose both his Ears in the Pillory, and be liable to satisfy the Debt and Damages.

II. And be it further Enacted, That the Justices of the Peace, when the Proceedings are before them out of Court, shall put the same in writing, under their Hands, and return the same into Court from whence the execution issued, there to be kept on Record, under the Penalty of Five Pounds Proclamation Money, for each Justice, for such his Omission or neglect; to be paid to the Person injured, by Order of the said Court.

III. And be it further Enacted, That if any Person, charged in Execution for any Sum in any Prison, within this Province, shall be minded to deliver up his Effects to his or her Creditors, it shall be lawful for such Prisoner to prefer a Petition to the Court from whence the Process issued setting forth the Cause of Imprisonment; and an exact Account of his or her Estate, and all Circumstances relating thereto; and on such Petition, the Court shall order the Prisoner to be brought, and the Creditors, at whose Suit he is charged, to be summoned; and on the Day of Appearance if any of the Creditors neglect to appear, on Proof made of the due Service of the Court's Order, the Court shall proceed to examine the Matter of the Petition in a Summary Way, and shall tender to such Person an Oath, to the Effect following:

I, A. B., do solemnly swear, in the Presence of Almighty God, That the Account by me delivered, with my Petition, into this Court, doth contain a full and true Account of my Real and Personal Estate, Debts, Credits, and

Effects whatsoever, which I, or any in Trust for me, have, or at the Time of my said Petition had, or now can or then was, in any Respect, intituled to, either in Possession, Remainder, or Reversion, (Except my wearing Apparel for myself and Family, and the Tools or Instruments of my Trade and Arms for Muster,) and that I have not, at any Time since my Imprisonment, or before, directly or indirectly, sold, alienated, assigned, or otherwise disposed of, or made over, in Trust for myself, or otherwise, other than is mentioned in such Account, any Part of my Lands, Estate, Goods, Stocks, Money, Debts, or other Real or Personal Estate, whereby to have or expect any Benefit or Profit to myself, or to defraud any of my Creditors to whom I am indebted. So help me God.

IV. And be it further Enacted, That if such Person take such Oath, and the Creditor be satisfied with the Truth thereof, the Court may order the Effects contained in such Account, or so much as may be sufficient to satisfy the Debts and Fees due to the Gaoler, to be, by an Indorsement on the Back of the Petition, signed by the Prisoner, assigned to the Creditor or Creditors, or to one or more of them, in Trust for the rest; and by such an Assignment, the Estate and property of the Lands, Goods, Debts, and Effects, shall be vested in such Creditor or Creditors, in Trust, as aforesaid, and the Prisoner shall be discharged out of Custody, by Order of the Court, without Fee, and the Person or Persons to whom the Effects shall be assigned, paying the Fees to the Gaoler, shall divide the Effects, in Proportion to their Debts: But if the Person or Persons at whose Suit the Prisoner is in Execution, shall desire Time to inform him, her, or themselves the Court shall remand the Prisoner, and direct him, and the Person or Persons dissatisfied, to appear, at a Day, in the next succeeding Court; and if at such Day the Creditor or Creditors make Default, or if he, she, or they, be unable to make Discovery of any Effects of the Prisoner omitted in his Petition, or to shew any Probability of his having being so sworn, the Court shall cause the Prisoner to be discharged, unless such Creditor or Creditors, on his being detained, agree, by Writing, to pay the Prisoner Ten Shillings, Proclamation Money, by the Week, to be paid Weekly, so long as he or she shall continue in Prison at his, her, or their Suit; and on Failure of Payment, the Prisoner shall, on Application made to the Court, be discharged by Order: And in case the Prisoner shall refuse to take the Oath, or shall be detected of Falsity therein, he shall be remanded.

V. And be it further Enacted, That the Person of any Debtor so discharged shall, never after, be arrested for the same Debt; but the Judgment shall remain in Force, and Execution may be taken out against his Lands or Goods, (his wearing Apparel for himself and Family, Tools for his Trade, and Arms for Muster, excepted.)

VI. And be it further Enacted, That if any Person who shall take such Oath, shall, upon Indictment of Perjury, be convicted thereon, he shall suffer all Pains of wilful Perjury, and shall be liable to be taken on a new Process; and shall, never after, have the Benefit of this Act.

VII. And be it further Enacted, That if the Effects assigned shall not extend to satisfy the whole Debts due to the Person or Persons at whose Suit such Prisoner was charged, and the Fees, there shall be an Abatement in Proportion; and the Gaoler shall come in, as a Creditor, for his Fees.

VIII. And be it further Enacted, That no Person, charged in Execution, shall be allowed to Petition by Virtue of this Act, unless such Prisoner do exhibit his Petition to the Court from whence the Execution issued, within Six Months after such Person shall be so charged in Execution.

IX. And be it further Enacted, That where by this Act an Oath is re-

quired, the solemn Affirmation of a Quaker shall be taken, in Lieu thereof; and every Person convicted of wilful and false affirming, shall suffer the like Penalties as for wilful and corrupt Perjury.

CHAPTER III.

An Act for the Encouragement of James Davis, to set up, and carry on, his Business of a Printer, in this Province; and for other Purposes therein mentioned.

I. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the said James Davis shall be allowed and paid by the Public, the Yearly Salary of One Hundred and Sixty Pounds, Proclamation Money, for the Work and Services hereafter mentioned, to be done and performed by him for the Public; and that the said Salary shall begin and commence from such Time as the said James Davis shall set up his Press at New Bern, in this Province, and be ready to proceed on his Business of Printing; and shall continue for the Space of Five Years provided the said James Davis shall so long live, and perform the said Services.

II. And be it further Enacted, That the said James Davis, in Consideration of the said Salary, shall, and he is hereby required and directed, to reside in New Bern aforesaid, and to print, with the same Type or Letter with which his Petition now laid before this House, is printed on, at every Session of Assembly in this Province, the Speeches and Addresses at the Opening of each Session; also the Journals and Proceedings of the House of Burgesses; and deliver Copies thereto to each Member who shall attend at such Session; and shall also, as soon as the same can or may be done, print all such Laws as shall be passed at each Sessions, and shall transmit One Copy of them to his Excellency, the Governor, and one to each Member of his Majesty's Honourable Council, and also one Copy to each Member of the General Assembly in the several Counties in this Province; one copy to each of the Clerks of the Houses of Assembly, for the use of the said Assembly; one Copy to the Clerk of the General Court, for the Use of the said Court; one Copy to the Clerk of each respective County Court in this Province, for the Use of such Court; and also one Copy for each and every Justice of the several Counties in this Province, not exceeding Twelve Copies to be sent to the said Justices of any one County; and supply such Copies of the said Journals and Laws as shall or may be necessary, to be transmitted from this Province to the Board of Offices in England, as usual; and also, shall print, and transmit to the Proper Places, the Public Proclamations, and all other Acts of Government.

III. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Council, and of the General Assembly, for the Time being, the Secretary of the Province for the Time being, and all other Officers within this Province, shall, and they are hereby required, to deliver to the said James Davis, examined and tested Copies of all such Speeches, Journals, Laws and Proclamations, and all Acts of Government, in their respective Offices, which are herein before directed to be printed, at such Time or Times as the same shall be demanded of them by the said James Davis; and that if any one of the said Officers shall neglect or refuse so to do, he shall forfeit and pay the Sum of Twenty Five Pounds, Proclamation

Money, to him or them who will sue for the same: Which shall and may be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

IV. And be it further Enacted, That the several Officers shall be paid by the Public, for all such Copies as they are hereby required to make out and deliver to the said James Davis, the same Fees and Allowances as by Law or Usage they have a Right to for such Services.

V. And for the Payment of the Salary herein before mentioned to the said James Davis, and the Fees and Allowances to the several Officers, for such Copies as they are by this Act required to make out, and deliver to the said James Davis, Be it Enacted, by the Authority aforesaid, That a Tax of Four Pence, Proclamation Money, be, and it is hereby laid, for the Space and Term of Five Years, and no longer, on each and every Taxable Person within this Province, and paid as the County and Parish Taxes are paid; and shall commence immediately after the Ratification of this Act: And shall be collected and Accounted for, by the several Sheriffs of the respective Counties within the same, in the same Manner, and under the same Penalties, as by the Laws now in Force they are to collect and account for the Public Tax.

VI. And be it further Enacted, That if any surplus of the Monies arising by Virtue of this Act, shall remain, after Payment of the said Salary to the said James Davis, and the Fees and Allowances to the several Officers, for the Copies that shall by them be delivered to the said James Davis, by Virtue of this Act, the same shall be applied, by the General Assembly, for and towards discharging the Public Debts of this Province.

VII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall print, sell or offer to Sale in this Province, within the Time of Five Years aforesaid, any of the Journals or Laws aforesaid, other than such as shall be printed by the said James Davis, without the Licence of the said James Davis; such Person or Persons shall forfeit and pay, to the said James Davis, the Sum of Five Pounds, Proclamation Money, for each and every Journal or Law of any Sessions so printed, sold, or offered to Sale, contrary to the true Intent and Meaning of this Act, to be recovered, in the same Manner as the Penalty first above mentioned in this Act.

VIII. And be it further Enacted, That all the said Laws that shall be printed by the said James Davis, by Virtue of this Act, shall be allowed to be given in Evidence in all or any of the Courts of Judicature in this Province, and before any Magistrate or Magistrates, in any Matter or Controversy depending before them.

CHAPTER IV.

An Act directing the Method for cutting or docking Intails of small Estates.

I. Whereas divers Persons are seized of small and inconsiderable pieces of Land in Tail, often ignorantly, without Design, devised, in Tail by the Ancestors; and the Method of defeating such Estates in Fee Tail, General or Special, within this Province, by Act of General Assembly, in such particular Case to be made and provided, is found too expensive for poor People seized of such Land, to go through with; and therefore, the Docking Intails by some easier Method will be a great Relief to such poor People and their

families, whereby they would be enabled to purchase other more improveable Lands and Slaves.

II. Wherefore we humbly pray your Most Sacred Majesty that it may be Enacted, and be it Enacted by his Excellency the Governor, Council, and General Assembly of this Province, That it shall and may be lawful for any Person or Persons, seized in Fee-Tail, General or Special, of, or in, any Lands or Tenements within this Province, not exceeding the Value of Fifty Pounds Sterling Money, and not being Parcel of, or contiguous to, other intailed Lands of the same Parties, to sue out a Writ, from the Secretary's Office, in the Nature of an *Ad quod Damnum*, directed to the Sheriff of the County where such intailed Lands lie, commanding him to enquire, by good and lawul Men of this County, of the Value of such Lands, and whether they be Parcel of, or contiguous to, other intailed Lands of the same Party as aforesaid; and such Sheriff shall return his Inquisition to the said Office; and if the said Lands shall be found not to exceed the Value aforesaid, and to be a separate Parcel, as aforesaid, then a Deed of Bargain and Sale, reciting the Title of such Inquisition, (wherein a valuable Consideration shall be expressed, and, *bona fide*, paid,) acknowledged by the Party, or proved by Two Witnesses, before the Chief Justice, or any of the Associate Judges, or in the Court of the County where such Lands may lie, within Six Months after the Date thereof, and registered, within Twelve Months, in the County where such Lands lie, shall be sufficient in Law to pass the Fee-Simple Estate of such Lands to the Purchaser or Purchasers thereof; and the Right of the Issue of the Vender, and all other Persons in Remainder or Reversion, shall be barred, in the same Manner as the same Estate might be barred by Fine and Recovery, according to the Laws of England.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,
Nathaniel Rice, President,
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1749.

At a General Assembly, held at New Bern, the Sixteenth Day of October, in the Year of Our Lord One Thousand Seven Hundred and Forty Nine. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act to put in Force in this Province, the several Statutes of the Kingdom of England, or South-Britain, therein particularly mentioned.

I. Whereas many of the Statute Laws of the Kingdom of England, or South-Britain, by Reason of the different Way of Agriculture, and the different Productions of the Earth of this Province, from that of England are altogether Useless, and many others, which otherwise are very apt and good, either by reason of their Limitation to particular Places, or because in themselves they are only Executive by such nominal Officers as are not in, nor suitable for the Constitution of this Government, are thereby become impracticable here.

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and With the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the several Statutes, and the several Paragraphs or Sections of the several Statutes of the Kingdom of England intituled as followeth, and made and Enacted in such Years of the Reigns of the Kings and Queens of England as before the Titles of the several Statutes, as in this Act set down, are, and are hereby to be in as full Force, Power, and Virtue, as if the same had been specially Enacted and made for this Province, or as if the same had been made and Enacted there in, by any General Assembly thereof: That is to say:

Magna Charta.

- 9 Henry III. Chap. 1. An Act for Confirmation of Liberties.
- 8. How Sureties shall be charged to the King.
 - 14. How men of all sorts shall be amerced, and by whom.
 - 18. The King's Debtor dying, the King shall be first paid.
 - 28. Wager of Law shall not be, without Witness.
 - 29. None shall be condemned without Tryal; Justice shall not be sold or deferred.
 - 34. In what only Case a Woman shall have an Appeal of Death.

Merton.

- 10 Henry III. Chap. 1. A Woman shall recover Damages in a Writ of Dower.
- 2. Widows may bequeath the Cross of their Lands.
 - 9. He is a Bastard that is born before the Marriage of his Parents.

Marlbridge.

- 52 Henry III Chap. 4. A Distress shall not be drawn out of the County and it shall be reasonable.
5. What kind of Manslaughter shall be adjudged Murder.
17. The Authority and Duty of Guardians in Socage.
23. A Remedy against Accomptants. Farmers, shall make no Waste.

Westminster the First.

- Edward I. Chap. 3. No Penalty for an Escape, before it be adjudged.
4. What shall be adjudged Wreck of the Sea, and what not.
6. Amerciaments shall be reasonable, and according to the Offence.
12. The Punishment of Felons refusing lawful Tryals.
14. Appeal against the Principal, and Accessory.
23. None shall be distrained for a Debt be oweth not.
25. None shall commit Champerty, to have Part of the thing in Question.
29. Penalty on a Serjeant or Pleader, committing Deceit.

Gloucester.

- 6 Edwd. I. Chap. 9. One Person killing another in his own Defence, or by Misfortune, an Appeal of Murder.

Westminster the Second.

- 13 Edwd. I. Chap. 10. In Gifts in Tail, the Donor's Will shall be observed, The Form of a Formedon.
11. The Masters Remedy against their Servants, and other Accomptants.
12. The Appellant being acquitted, the Appellor, and Abettors shall be punished: There shall be no Essoign for the Appellor.
19. The Ordinary Chargeable, to pay Debts, as Executors.
34. It is Felony to commit a Rape; a married woman with an Advouterer.
37. No Distress shall be taken, but by Bailiffs, known and sworn.
40. A Woman's Suit shall not be deferred by the Minority of the Heir.

Articuli Super Chartas.

- 23 Edwd. I. Chap. 10. The Remedy against Conspirators, false Informers, and Embracers of Juries.
11. Nothing shall be taken to Maintain any Matter in Suit.
12. What Distress shall be taken for the King's Debt, and how it shall be used.
16. What shall be done with them that make false Return of Writs.

Statute the Second.

33 Edwd. I. Who be Conspirators, and who be Champartors.

Statute the Third.

The Punishment of such as commit Champarty.

Statute the Fourth.

- 34 Edwd. I. Chap. 1. The King, or his Heirs, shall have no Tallage or Aid, without Consent of Parliament.
 4. All Laws, Liberties, and Customs, confirmed.

Statute the Second.

- 1 Edwd. II. In what Case it is Felony to break Prison, and what not.
- 1 Edwd. III. Chap. 7. Inquiry shall be made of Gaolers, which by Duress compelled Prisoners to appeal.
 6. Justices shall have Authority to punish Breakers of the Peace.
 8. No commands under the King's Seal shall disturb or delay Justice.
- 1 Edwd. III. Chap. 2. The Authority of Justices of Assize, Gaol Delivery, and of the Peace.
 7. Executors shall have Action of Trespass for a wrong done to their Testator.
 9. Sheriffs, Bailiffs of Hundreds, and Escheator, shall have sufficient in the County.
 10. Sheriffs and Gaolers, shall receive Offenders without any Thing taken.
 11. Justices of Assize, &c., shall enquire of Maintainers, Conspirators, and Champartors.
- 5 Edwd. III. Chap. 9. None shall be attached, or forejudged, contrary to the Great Charter, or the Law.
 10. The Punishment of a Juror that is ambixeter and taketh Money.
 11. Process against those that be appealed, indicted, or outlawed, in one County, and remain in another.
 14. Night Walkers, and suspected Persons, shall be safely kept.
- 10 ————— Chap. 2. Pardons shall not be granted contrary to the Statute of 2 Ed. III. Chap. 2.
- 20 ————— Chap. 4. None shall maintain any quarrel but their own.
 ————— Chap. 6. Justices of Assize shall enquire of, and punish the Misdemeanors of Officers, and other Offenders.

Statute the Fifth.

- 25 Edwd. III. Chap. 2. A Declaration which Offences shall be adjudged Treason.
 3. No Indictor shall be put upon the Inquest of the Party Indicted.

- 4. None shall be condemned upon Suggestion without lawful Presentment.
- 5. Executors of Executors shall have the Benefit and Charge of the first Testator.
- 17. Process of Exigent shall be awarded in Debt, Detinue, and Replevin.
- 19. By the King's Protection the Party's Suit shall not be hindered, but his Execution.
- 34 ——— Chap. 8. The Penalty of a Juror, taking Reward to give his Verdict.
- 12. There shall be no forfeiture of Lands for Treason of dead Persons, not attainted.
- 37 ——— Chap. 2. An *Indemptitate Nominis* shall be granted, upon the wrong seizure of another Person's Lands or Goods.
- 38 ——— Chap. 8. A Ship shall not be lost for a small Thing therein not customary.
- 12. The Punishment of a Juror taking a Reward to give his Verdict; and of Embracers.
- 42 ——— Chap. 3. None shall be put to answer an Accusation made to the King, without Presentment.
- 10. Children born beyond the Sea in the King's Dominions, shall be inheritable in England.
- 50 ——— Chap. 6. Fraudulent Assurances of Lands or Goods to deceive Creditors, shall be void.

Statute the Fifth.

- 1 Richard II. Chap. 12. A Prisoner by Judgement shall not be at large: Confession of a Debt to the King, to delay another Execution.
- 8 ——— Chap. 4. The Penalty of a Judge or Clerk, making any false Entry, erase a Roll, or change a Verdict.
- 13 ——— Chap. 5. With what Things the Admiral, and his Deputy, shall meddle.
- 15 ——— Chap. 2. The Duty of Justices of the Peace, when any forcible Entry is made into Lands.
- 3. In What Places the Admiral's Jurisdiction doth lie.
- 2 Henry VI. Chap. 11. A Remedy for him who is wrongfully pursued in the Court of Admiralty.
- 4 ——— Chap. 18. The Punishment of an Attorney found in Default.
- 23. Judgments given shall continue, until they be reversed by Attaint or Error.
- 5 ——— Chap. 5. It shall be Felony to cut out the Tongue, or pull out the Eyes, of the King's Liege People.
- 8 Henry VI. Chap. 9. Duty of Justices of the Peace, where Land is entered upon, or detained, with Force.
- 12. No Judgment or Records shall be reversed by any Writ, Process, &c., erased: Which Defect in Records may be amended by the Judges and which not.

15. The Justices may, in certain Cases, amend Defaults in Records.
- 9 ——— Chap. 4. An *Indemptitate Nominis* maintainable by Executors.
- 14 ——— Chap. 1. Justices of *Nisi Prius* may have Judgment of a Man attainted or acquitted of Felony.
- 18 ——— Chap. 6. No Lands shall be granted until the King's Title be found, by Inquisition.
12. Appeals or Indictments of Felony, committed in a Place where there is none such.
- 31 ——— Chap. 9. A Remedy for a Woman enforced to be bound by the Statute or Obligation.
- 33 ——— Chap. 1. A Remedy for Executors against Servants, that embezzle their Master's Goods after his Death.
- 1 Rich. III. Chap. 3. Every Justice of Peace may let a Prisoner to Mainprize; No Officer shall seize the Goods of a Prisoner until he be attainted.
- 3 Hen. VII. Chap. 2. The Penalty of carrying a Woman away, against her Will, that hath Lands or Goods.
3. Justices of the Peace may let Prisoners to Bail: The Sheriff shall certify the Names of all his Prisoners at the Gaol Delivery.
4. All Deeds of Gifts made to defraud Creditors shall be void.
10. Cost, &c., awarded to the Plaintiff, where the Defendant sueth a Writ of Error.
- 4 ——— Chap. 12. All Justices of the Peace shall execute their Commission, redress Injuries, and maintain Law.
13. Clergy shall be allowed but once; A Convict Person shall be marked with the Letter M. or T. A Provision for them which be within Orders.
- 11 ——— Chap. 12. A Means to help and speed poor Persons in their Suits.
- 12 ——— Chap. 7. For Murders.
- 19 ——— Chap. 9. Process in Actions upon the Case sued in the King's Bench, and Common Pleas.
20. Writs of Error.
- 1 Henry VIII. Chap. 8. The Act of Escheators and Commissioners.
- 4 ——— Chap. 2. Punishment of Murders.
- 21 ——— Chap. 4. The Sales of Lands by Part of the Executors, lawful.
11. At what Times Restitution shall be made of Goods stolen.
- 22 ——— Chap. 14. For Abjurations and Sanctuaries, the Sixth Paragraph only, in these Words following: And that no Person, arraigned for Petit Treason, Murder, or Felony, be, from henceforth, admitted to any peremptory Challenge above the Number of Twenty.

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|---------------------------|-------|-------|-----|---|
| 23 | ————— | Chap. | 1. | An Act concerning Convicts in Petit Treason, Murder, &c. |
| | | | 3. | An Act against Perjury, and untrue Verdicts. |
| | | | 15. | An Act that the Plaintiff being non-suited, shall yield Damages to the Defendant, in Actions Personal, by the Discretion of the Justices. |
| 24 | ————— | Chap. | 5. | That a man killing a Thief in his Defence, shall not forfeit his Goods. |
| 25 | ————— | Chap. | 3. | For such as shall stand Mute, &c. |
| | | | 6. | The Punishment for the Vice of Buggery. |
| 27 | ————— | Chap. | 4. | For Pirates, and Robbers on the Sea. |
| | | | 10. | The Act Concerning Uses and Wills. |
| 28 | ————— | Chap. | 15. | For Pirates. |
| 31 | ————— | Chap. | 1. | For Joint Tenants, and Tenants in Common. |
| | | | 5. | For the Continuation of Debts upon Execution. |
| 32 | ————— | Chap. | 9. | The Bill of Bracery, and buying of Titles. |
| | | | 1. | The Act of Wills, Primer Seisins, whereby a Man may devise Two Parts of his Lands. |
| | | | 30. | Mispleadings, Jeofails. |
| | | | 32. | Joint Tenants for time of Life, or Years. |
| | | | 33. | An Act that wrongfully Disseisin is no Descent in Law. |
| | | | 37. | For Recovery of Arrearages of Rents by Executors of Tenants, in Fee Simple. |
| 33 | ————— | Chap. | 1. | A Bill against them that Counterfeit Letters, or privy Tokens, to receive Money or Goods in other Men's Names. |
| 34 & 35 | ————— | Chap. | 8. | The Bill concerning the Explanation of Wills. |
| 37 | ————— | Chap. | 6. | The Bill for burning of Frames. |
| 1 Edward VI, | | Chap. | 12. | An Act for the Repeal of certain Statutes concerning Treason and Felonies, &c. Paragraph the 13th, Wilful killing by Poisoning, shall be adjudged Murder. |
| 2 & 3 | ————— | Chap. | 33. | A Bill for Horse, and Horse-stealers. |
| 5 & 6 | ————— | Chap. | 9. | An Act for taking away Benefit of Clergy, for certain Offenders. |
| | | | 10. | An Act for the avoiding of Clergy from divers Persons. |
| 1 Mary, | | Chap. | 6. | Counterfeiting of strange Coins, &c., adjudged Treason. |
| 1 & 2 Philip
and Mary, | | Chap. | 11. | Bringing in of Counterfeit Coin into this Realm, shall be punished as Traitors. |
| | | | 13. | An Act touching Bailment of Persons. |
| 2 & 3 | ————— | Chap. | 10. | An Act to take examination of Prisoners suspected of any Manslaughter or Felony. |
| 4 & 5 | ————— | Chap. | 4. | An Act that accessories in Murder, and divers felonies, shall not have Benefit of Clergy. |

8. An Act for the Punishment of such as shall take away young women that be Inheritors being within the Age of Sixteen Years, or marry them without Consent of their Parents.
- 5 Elizabeth, Chap. 9. An Act for Punishment of such Persons as shall procure or commit any wilful Perjury.
11. Clipping, &c., of Coins, for Gain sake, shall be high Treason.
14. An Act against Forgers of false Deeds and Writings.
17. An Act for the Punishment of the Vice of Buggery.
- 8 ————— Chap. 2. The Defendant shall recover Costs and Damages, where the Plaintiff doth delay or discontinue his Suit, or his Non-Suit, &c.
4. An Act to take away Benefit of Clergy from certain Offenders for Felony.
- 13 ————— Chap. 5. An Act against fraudulent Deeds, Alienations, &c.
- 18 ————— Chap. 7. An Act to take away Benefit of Clergy from Offenders in Rape, and Burglary; and an Order for the Delivery of Clerks convict, without Purgation.
14. An Act for reformation and Jeofails.
- 27 ————— Chap. 4. An Act against covinous and fraudulent Conveyances.
5. An Act for Furtherance of Justice, in Case of Demurrer in Pleadings.
13. An Act for the following of Hue and Cry.
- 31 ————— Chap. 11. An Act of Explanation or Declaration of the Statute *Octavo Regis, Henry 6*, concerning forcible Entries, and the Indictments thereupon found.
- 39 ————— Chap. 9. An Act for taking away Clergy from Offenders against a certain Statute, made in the Third Year of the reign of *Henry 7*, concerning the taking away Women against their Wills, unlawfully.
15. An Act that no Person, robbing any House in the Day Time, altho' no Person be therein, shall be admitted to have the Benefit of his Clergy.
- 43 ————— Chap. 5. An Act to prevent Perjury and Subornation of Perjury and unordinary Expences in Suits of Law.
8. An Act against fraudulent Administration of Intestates' Goods.
- 1 James I, Chap. 8. An Act to take away the Benefit of Clergy from some Kind of Manslaughter.
11. An Act to restrain all Persons from Marriage, until their former Wives, and former Husbands, be dead.
- 4 ————— Chap. 3. An Act to give Cost to the Defendant, upon a Non-suit of the Plaintiff, or a Verdict against him.
- 21 ————— Chap. 6. An Act concerning Women convicted of small Felonies.

- 13. An Act for the further Reformation of Jeofails.
 - 15. An Act to enable Judges and Justices of the Peace, to give Restitution of Possession in certain Cases.
 - 24. An Act for the Relief of Creditors, against such Persons as die in Execution.
 - 27. An act to prevent the destroying and murdering Bastard Children.
- 3 Charles I. The Petition exhibited to his Majesty, by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of Subjects.

Statute the Second.

- 13 Charles II. Chap. 6. An Act declaring the sole Right of the Militia to be in the King, and for the present ordering and disposing of the same.
- 16 ————— Chap. 6. An Act to prevent the delivering up of Merchant Ships.
- 7. An Act against deceitful, disorderly, and excessive Gaming.
- 16 & 17 ——— Chap. 8. An Act to prevent Arrests of Judgments, and superceeding Executions.
- 17 ————— Chap. 7. An Act for a more speedy and Effectual Proceeding upon Distresses and Avowries for Rents.
- 8. An Act for avoiding unnecessary Suits and Delays.
- 22 & 23 Chas. II, Ch. 1. An Act to prevent malicious maiming and wounding: Paragraph the 7th, Malicious maiming made Felony, and Paragraph the 8th, Forfeitures.
- 7. An Act to prevent Malicious burning of Houses, stacks of Corn and Hay, and killing or Maiming of Cattle.
- 10. An Act for the better settling of Intestates Estates.
- 29 ————— Chap. 3. An Act for preventing Frauds and Perjuries.
- 30 ————— Chap. 7. An Act to enable Creditors to recover their Debts of the Executors and Administrators of Executors in their own Wrong.
- 31 ————— Chap. 2. An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas.
- 1 James II., Chap. 17. An Act for reviving and Continuance of several Acts of Parliament therein mentioned; only Paragraph the 5th, 6 and 7, relating to the Act for the better settling Intestates' Estates.
- 1 Wil. & Mary Chap. 8. An Act for the Abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths.
- 18. An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws.

- Session 2, Chap. 2. An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.
- 2 ————— Chap. 5. An Act for enabling the Sale of Goods distrained for Rent, in Case the Rent be not paid in a reasonable Time.
- 3 & 4 ————— Chap. 9. An Act to take away Clergy from some Offenders and to bring others to Punishment.
14. An Act for Relief of Creditors, against fraudulent Devices.
- 4 & 5 ————— Chap. 16. An Act to prevent Frauds, by clandestine Mortgages.
- 7 Wil. III. Chap. 3. An Act for regulating Tryals in Cases of Treason, and Misprison of Treason.
- 7 & 8 ————— Chap. 24. An Act requiring the Practitioners of the Law to take the Oaths, and subscribe the Declaration therein mentioned.
- 8 & 9 ————— Chap. 10. An Act for the better preventing frivolous and vexatious Suits.
- 9 & 10 ————— Chap. 15. An Act for determining Differences by Arbitration.
17. An Act for the better Payment of Inland Bills of Exchange.
- 10 & 11 ————— Chap. 16. An Act to enable posthumus Children to take Estates, as if born in their Father's Lifetime.
- 11 & 12 ————— Chap. 6. An Act to enable his Majesty's natural born Subjects to inherit the Estate of their Ancestors, either Lenial or Collateral, notwithstanding their Father or Mother are Aliens.
- 12 & 13 Wil. III Chap. 2. An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects.
- 1 Anne, Chap. 22. An Act to declare the alterations in the Oath appointed to be taken, by the Act, intituled, An Act for the further security of his Majesty's Person and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors; and for declaring the Association to be determined.
9. An act for Punishment of Accessories to Felonies, and Receivers of stolen Goods; and to prevent the wilful burning and destroying of Ships.
- 3 & 4 ————— Chap. 9. An Act for giving like Remedy upon Promisory Notes as is now used upon Bills of Exchange, and for the better Payment of inland Bills of Exchange.
- 4 & 5 ————— Chap. 16. An Act for the Amendment of the Law, and the better Advancement of Justice.

- 6 ————— Chap. 18. An Act concerning Life Estates.
- 7 ————— Chap. 19. An Act to enable Infants who are seized or possessed of Estates in Fee, in Trust, or by way of Mortgage, to make Conveyances of such Estates.
- 8 ————— Chap. 17. An Act for the better Security of Rents, and to prevent Frauds, committed by Tenants.
- 9 ————— Chap. 14. An Act against unlawful Gaming; Sections 1, 2, 3, 6, and 7, only.
- 12 Stat. I. Chap. 7. First, Second, and Third Sections only.
- 18. An Act for the preserving all Ships and Goods thereof, which shall happen to be forced on Shore, or stranded, upon the Coasts of this Kingdom, or any other of his Majesty's Dominions.
- 2 Geo. II. Chap. 22. Section the 11th only, concerning Debts.
- 4 ————— Chap. 28. An Act concerning Rents.
- 5 ————— Chap. 7. An Act for the more easy Recovery of Debts in his Majesty's Plantations and Colonies in America.
- 25. An Act to direct the Proceedings in Chancery against Persons beyond Sea.
- 7 ————— Chap. 20. Section 1, 2, and 3 only, concerning Mortgages.
- 8 ————— Chap. 24. Section the 5th, concerning Debts.
- 11 ————— Chap. 19. Twelfth and 13th Sections only, concerning Ejectment.

III. And be it further Enacted, by the Authority aforesaid, That in any of the above enumerated Statutes, where any Reference is made to any former Statute, as to the Penalty, or Manner of Recovery, or Execution of the said Statutes, or where the said Statutes are explained, or continued, or made perpetual, or confirmed, or clergy allowed by any other Statute; that in such Case, the said Statute so referred to, or that doth explain, continue, make perpetual, or confirm the above enumerated Statutes or allow Clergy for the Offence or Offences in any of them mentioned, are hereby declared to be of as full Force in this Province, as if particularly enumerated in this Act IV. And be it further Enacted, by the Authority aforesaid, That all the Statutes of the Kingdom of England, relating to the Allegiance of the People to his present Majesty King George, and his lawful Successors, and the several Public Oaths, and subscribing the Test, required of the People of England in General, by any of the said Statutes of the said Kingdom, and also all such Statutes in the Kingdom of England as declare the Rights and Liberties of the Subject and Enact the better securing the same; as to so much of the said Statute as relates to the above mentioned Particulars of the Allegiance of the People to their Sovereign, the Public Oaths, and subscribing the Test, required of them, and the declaring and securing the Rights and Liberties of the Subjects, are hereby Enacted and Declared to extend to, and to be of full Force in this Province, as if particularly enumerated in this Act.

V. And for the better putting in Force, and Execution of, all and every the before enumerated Statutes, Sections, and Paragraphs of Statutes; Be it Enacted, by the Authority aforesaid, and it is hereby Enacted and de-

clared, That the General Assembly of this Province, and the several Members thereof, shall have the same Power and Authority in any Matter or Thing relating to the said Statutes, or that is given by the same to the Parliament of England, or the Members thereof; and his Excellency the Governor, and the Council of this Province, for the Time being, shall have all the Power and Authority relating to the Execution of the said enumerated Statutes, as by the same, or by any other of the Laws of England, are given to the Lord Chancellor, or the Lord Keeper of the Great Seal of England: That the Chief Justice of this Province, and his Associates, for the Time being, shall have all the Power and Authority in the Execution of any of the said enumerated Statutes, as the Chief Justice, or any of the Justices or Judges of the Courts of the King's Bench, or Common Pleas, or any Justices of the Sessions or Commissioners of Oyer and Terminer and Gaol Delivery, in the Kingdom of England, can or may have or do: And that the Justices of the Peace in this Province, shall have the Powers of the Justices of the Peace in the Kingdom of England and every Officer, Minister, or Under Officer of this Province, shall have and execute the same Power and Authority of every Justice, Officer, Minister, or Under-Officer of the same Name, Stile, and usual Office, Employment, and Authority in the Kingdom of England, in and about the Execution of the Premises, to all Intents, Constructions, and Purposes whatsoever, except such Officer or Officers, the Manner and Method of whose Duty and Office, is circumscribed and directed by the Laws of this Province.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Part of the Common Law of England, where the same is not altered by the above enumerated Acts, or inconsistent with the particular Constitutions, Customs, and Laws of this Province, excepting so much thereof as hath Relation to the ancient Tenures, which are taken away by the Act of Parliament, made in the Twelfth Year of the Reign of King Charles the Second, Chapter the Twenty Fourth, intituled, An Act for taking away the Court of Wards and Liveries, and Tenure in Capite, and by Knights Service and Purveyance, &c., whereby it is Enacted, That all Tenures by the Common Law, whether held of the King or any other Person or Persons, are turned into free and common Soccage; and which Statute, as to that Part of it which doth Enact, That all Tenures be turned into free and Common Soccage; is hereby Enacted and declared to be of as full Force in this Province, as if particularly enumerated by this Act; and also excepting that Part of the Common Law which relates to Matters of Ecclesiastical, which are inconsistent with, or repugnant to, the Settlement of the Church, of England in this Province, by the Acts of Assembly thereof; be, and is hereby made and declared to be in as full Force and Virtue within this Province, as the same is, or ought to be, within the said Kingdom of England: And that the Governor for the Time being, with his Council, constituting a Court of Chancery in this Province, shall have Power to put in Execution, and cause to be put in Execution in this Province, so much of the said Common Law, (except as before excepted,) as the Lord Chancellor, or Lord Keeper of the Great Seal of Great Britain, may do in the Kingdom of England: And the Chief Justice of this Province for the Time being, and his Associates, may put in Execution so much of the said Common Law of England within this Province, (except as before excepted) as any of the Justices or Judges of any of the Courts of King's Bench, and Common Pleas, or Commissioners of Oyer and Terminer and General Gaol Delivery, may do in the said Kingdom of England: And every Officer, Minister, or Under-Officer, of this Province, shall Execute so much of the said Laws of this Province (except as before ex-

cepted) as any Officer, Minister or Under-Officer, of the same Name, Stile, Power, and Authority in the Kingdom of England, may or ought to execute within the same.

VII. And be it further Enacted, by the Authority aforesaid, That every Person respectively whatsoever, who derives any Authority or Power, Judicial or Ministerial, from and by this Act, who shall, or doth neglect, refuse or omit to do and execute all or any such Things which by the Acts before enumerated, or made of Force in this Province by this Act, or required to be done and executed, shall undergo such Penalties, forfeit such Sum or Sums of Money, Loss of Place or Office, for each such Neglect, Refusal, or Omission, as every respective Magistrate, Officer, Minister, and other Person whatsoever within the Kingdom of England, ought to undergo, forfeit, and suffer, by every of the said several and respective Acts; to be prosecuted, recovered, and disposed, according to the Directions of the said several Acts, in any of the Courts of Record within this Province, except where the Punishment of any of the above mentioned Offences is particularly mentioned and appointed, by any Law now in Force in this Government.

VIII. And be it further Enacted, by the Authority aforesaid, That the Governor, the Chief Justice of the Court of Common Pleas, for the Time being, and his Associates, and every other Officer, Minister, Under-Officer, and every other Person whatsoever, concerned in the Execution of any of the above enumerated Acts, shall and may take such and so much Fees, for the doing and executing every Matter and Thing contained within the said Acts, as by the several Acts of Assembly of this Province, made for the ascertaining Officers' Fees, they may or ought to take and receive; any Thing in any of the Statutes mentioned in this Act to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That every Court of Record within this Province, shall be taken for, and have and execute, the Power of the King's or Queen's Court, mentioned in any of the before recited Acts.

X. And be it further Enacted, That all Conveyances or Settlements of Lands or Tenements made in this Province, by Way of Bargain and Sale, or otherwise, shall be as good and effectual in Law, to all Intents and Purposes whatsoever, as if the Statute for transferring Uses into Possession, had been made of Force in this Province at the Time of such Conveyances made.

XI. And be it further Enacted, by the Authority aforesaid, That all the Statute Laws of the Kingdom of England, which are not enumerated and made of Force in this Province by this Act, (such only excepted which relate to, or concern his Majesty's Customs, and the Acts of Trade and Navigation,) are hereby declared not adapted, or applicable to, the Circumstances of this Province.

XII. Provided nevertheless, and be it hereby Enacted and Declared, That because few of the Statute Laws of the Kingdom of England, made since the Eleventh Year of the Reign of his present Majesty King George the Second, have been transmitted to this Province; It is hereby Enacted, That all Statute Laws made within the Kingdom of England since the said Eleventh Year of the Reign of his said Majesty King George the Second, shall be deemed, construed, and taken, to have such and the same Relation and Force in this Province, and all his Majesty's Subjects, inhabiting or dwelling in the same, as the same might, could, or ought to have had, if this Act had never been made.

XIII. Provided also, That this Act or any enumerated Act, or Clause, or

Paragraph, or Section, or any Act therein contained, shall not be Construed or extended to alter the full course of Proceedings in the several Courts of Judicature in the Province; and the Manner of Drawing, balloting, or choosing of Jurymen, as the same is prescribed by the Laws of this Province in that Case made and Provided, and all other Acts of Assembly of this Province, relating to the regulating Proceedings of the Courts of Judicature in this Province, are hereby declared to be of as full Force and Virtue, as if this Act had never been made; and the above enumerated Statutes of the Kingdom of England, are hereby Enacted to be put in Execution in this Province, as to the substantial Parts, and so as not to alter the usual Proceedings in our Courts in this Province, and the said Jury Acts: Any particular Clauses or Paragraphs in the Above enumerated Acts, with Respect to the particular Circumstances of England, being, or seeming to be to the contrary hereof, in anywise, notwithstanding.

CHAPTER II.

An Act to revise a Clause in an Act of the General Assembly of this Province, intituled, an Act to fix a Place for the seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein; passed the Fifth Day of December, One Thousand Seven Hundred and Forty Six.

I. Whereas, by an Act of the General Assembly of this Province, passed the Fifth Day of December, One Thousand Seven Hundred and Forty Six, intituled, An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for Establishing the Courts of Justice, and regulating the Proceedings therein; it is, among other Things, Enacted, That a Tax of Four Pence, Proclamation Money, per Poll, Annually, shall be levied on each and every taxable Person within this Province, for and during the Term of Three Years, and no longer; to be applied towards defraying and paying the Chief Justice and Attorney-General, as a Recompence for their Trouble and Expence of going the Circuits, as in the said before recited Act may more fully and at large appear; And whereas the Time limited by the afore-recited Act, for levying and collecting the said Tax of Four Pence, Proclamation Money, is near expiring.

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the Expiration of the Time limited in the said Clause of the aforesaid Act, the said Tax of Four Pence, Proclamation Money, per Poll, shall continue to be levied, Annually, on each and every Taxable Person within this Province, in such Manner as by the before recited Act is directed; and shall be paid to the Treasurer of the District where such Tax is levied respectively, and by him applied towards defraying and paying the Chief Justice and Attorney General, as aforesaid: Any Thing in the before recited Act to the contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for the Term of Three Years, next after the Ratification thereof, and from thence to the End of the next Session of the General Assembly of this Province, and no longer.

CHAPTER III.

An additional Act to an Act to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance.

I. Whereas by an Act, intituled, An Act to provide indifferent Jurymen, in all Causes, both Civil and Criminal, and for an Allowance for their Attendance; It is Enacted, That once in Six Months, at each and every County Court within this Province, next after the First Day of January, and the First Day of July, Yearly, in open Court, the Justices of each and every County Court, together with the then Grand Jury, shall elect and chuse a certain Number of the Freeholders of their several Counties, to serve as Jurors at the next General Court, Court of Assize, Court of Oyer and Terminer, and General Gaol Delivery, to which, by the Law now in Force, or any Law hereafter to be made, they ought to attend; which Manner and Time of making such Choice of Jurors as aforesaid, is found inconvenient and impracticable:

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That from and after the passing of this Act, once in Six Months, at each and every County Court within this Province that shall happen next after the First Day of June and the first Day of December, Yearly, the Freeholders required by Law to attend as Jurors, from each County respectively, at the next General Court, Court of Assize, Court of Oyer and Terminer and General Gaol Delivery, shall be elected in open Court, one Half of their Number by the Justices then sitting in Court, and the other Half by the then present Grand Jury, by a Majority of the Votes of the said Justices and Grand Jury respectively, and not otherwise; and the said Justices and Grand Jury shall distinguish the Names of such Persons as shall be so chosen for the Grand Jury, from the Petit Jury, to serve as aforesaid; and such Persons only shall be of either of the said Juries as are by them so nominated and distinguished: Any Law, Custom, or Usage, to the contrary, notwithstanding.

CHAPTER IV.

An Act for altering, explaining, and continuing an Act, intituled, an Act for the better regulating the Militia in this Government.

I. Whereas an Act, intituled, An Act for the better regulating of the Militia of this Government, made the Twenty Eight Day of June, One Thousand Seven Hundred and Forty Six, was to continue for Three Years, and from thence to the End of the next Session of Assembly, which Time is now near expired; which Act, by Experience, is found to be a Good and necessary Law.

II. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the said Act, intituled, An Act for the better regulating the Militia of this Government, shall, from and after this present Session of Assembly, (except as herein altered and explained,) be and continue in Force for the Term of Five Years, and from thence to the End of the next Session of the General Assembly and no longer.

III. And whereas by the said Act, it is Enacted, That it shall and may be lawful for one Field Officer, or more, Four Captains, Four Lieutenants, Three

Ensigns, or the Majority of them, with one Field Officer, openly to hold a Court-Martial, and, on Tryal and Conviction, to punish the Offender or Offenders according to Martial Law, as the Nature of the Crime shall require: Be it therefore Enacted, by the Authority aforesaid, that from and after the passing of this Act, the Powers granted to such Court-Martial, shall not be understood or construed, to empower any such Court to inflict the Punishment of Death on any Offender or Offenders whatsoever.

IV. Be it further Enacted, by the Authority aforesaid, That from and after this present Session of Assembly, each and every Captain of a Company, shall and may, at such Times and Places in their respective Districts as they shall judge convenient, Muster their several Companies twice in every Year, and no more; Any Clause in the before recited Act, Usage, or Custom, to the contrary, notwithstanding.

CHAPTER V.

An Act to appoint a Public Treasurer, in Room of Edward Moseley, Esq., deceased.

I. Whereas by an Act, intituled, an Act to appoint Public Treasurers, the Honourable Edward Moseley, Esq., was constituted Public Treasurer for the Counties of Craven, Carteret, Onslow, New Hanover, Bladen, Johnston, Beaufort, and Hyde; and the said Office having become vacant, by the Death of the said Edward Moseley, Esq.;

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the Honourable Eleazer Allen, Esq., be and is hereby appointed Public Treasurer for the said Counties of Craven, Carteret, Onslow, New Hanover, Bladen, Johnston, Beaufort, and Hyde, in the Room of the said Edward Moseley, Esq., deceased: Which said Treasurer shall, before he enters upon his said Office, give Bond, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, Sterling Money, for the faithful Discharge of his said Office: Which Bond shall be lodged in the Secretary's Office.

III. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, and all other Persons concerned, or who have been concerned, in the Collecting or Receiving any Public Money, within the respective Counties of Craven, Carteret, Onslow, New Hanover, Bladen, Johnston, Beaufort and Hyde, who have not already accounted for and paid the same to the aforesaid Edward Moseley, Esq., deceased, shall, upon Oath, account for and pay to the said Eleazer Allen, Esq., all the Money so by them respectively received, or which by Law they ought to have received, and are accountable for; under the Penalty of Twenty Pounds, Proclamation Money.

IV. And be it further Enacted, by the Authority aforesaid, That all and every the Sheriffs, and other Persons, who shall be concerned in the Collecting and Receiving the Public Monies hereafter to be Collected and Received within the several Counties above mentioned, shall, the Week after the next succeeding General Court following the Time appointed by Law for their Collecting or Receiving thereof, upon Oath, account for and pay the same to the Public Treasurer aforesaid, at New Bern, under the Penalty of Twenty Pounds, Proclamation Money.

V. And be it further Enacted, by the Authority aforesaid, That the said

Public Treasurer is hereby authorized, impowered, and required, to sue and prosecute all such Sheriffs or other Persons who have hitherto been, or shall hereafter be, concerned in the Collecting or Receiving the Public Money, or who have or shall, at any Time hereafter, have any of the said Money in their Hands within the said Counties, and shall neglect or refuse to account for and pay the same, and also on the several Bonds given by each and every of the Sheriffs or other Persons in any of the said respective Counties, for the due and faithful Performance of their several Offices and Duties; and the Clerks of the several County Courts, and every other Person or Persons, having such Bond or Bonds, Account or Accounts, or other Papers, in his or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer aforesaid of such County where the said Bond or Bonds was or were given, or Accounts or other Papers lodged, when he shall demand the same.

VI. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurer shall, from Time to Time, as Often as required, Upon Oath, account for and pay to the General Assembly, all such Sums of Money which he shall receive by Virtue of this Act; for which Trouble he shall be allowed Five per Cent. on all the Monies by him received and paid into the Assembly, (except the Money he shall receive from the Executors of the said Edward Moseley, Esq., which was lodged in his Hands for building the Forts,) and may deduct the same accordingly, as aforesaid.

VII. And be it Enacted, That the Penalties in this Act mentioned, shall be sued for and recovered, in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of; Two Thirds whereof shall be applied to the Use of the Public, and the other Third to the Treasurer aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue in Force so long as the Act before mentioned, for appointing Public Treasurers, and no longer.

CHAPTER VI.

An Act to confirm the several Acts of Assembly of this Province therein mentioned, as Revised by the Commissioners appointed by an Act of the General Assembly of this Province, intituled, An Act for appointing Commissioners to Revise and Print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province; and such other Laws of this Province as have been passed since the said Revisal; and to direct the Printing of the said Laws.

I. Whereas the whole Body of the Laws of this Province, to the Seventh Day of March, in the Year of our Lord One Thousand Seven Hundred and Forty Six, have, in Pursuance of the Act for appointing the Commissioners to Revise and Print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported in this Province, passed the Seventh Day of March, in the Year of our Lord one Thousand Seven Hundred and Forty Six; and the Act to alter and amend an Act, intituled, An Act for appointing Commissioners to Revise and Print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine,

Rum, and distilled Liquors, and Rice imported into this Province, passed the Fifteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Forty Eight; been carefully Compiled and Revised, and the said Revisal laid before both Houses of this present Assembly, and approved of by the said House:

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the several Acts passed at a General Biennial Assembly, held at the House of Captain Richard Sanderson, at Little River, begun the Seventh Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifteen, and continued, by several Adjournments, until the Nineteenth Day of January, in the said Year of our Lord One Thousand Seven Hundred and Fifteen, intituled as follows, to-wit:

Coroners appointed.

An Act to direct the Method to be observed, in the Examination and Commitment of Criminals.

An Act to direct the Disposal of Goods taken upon Execution; and for the better Regulation of Distresses hereafter to be made for Levies and Quit-Rents.

An Act concerning Appeals, and Writs of Error.

An Act concerning old Titles of Land; and for Limitations of Actions, and for avoiding Suits in Law.

Feme Coverts, how to pass Lands.

An Act for preventing Disputes concerning Lands already surveyed.

An Act concerning Escheat Lands, and Escheators.

An Act to regulate divers Abuses in the taking up of Lands; and to ascertain the Method to be observed, from henceforward, in taking up and surveying Lands.

An Act for entering of Vessels, and to prevent the Exportation of Debtors.

An Act concerning Roads and Ferries.

An Act to encourage the building of Mills.

An Act to appoint Public Registers, and to direct the Method to be observed in conveying Lands, Goods and Chattels, and for preventing fraudulent Deeds and Mortgages.

An Act for ascertaining the Gauge of Barrels, and to prevent Frauds in Pork, Beef, Pitch, and Tar.

An Act appointing Toll Books to be kept at or near Catherine's Creek in Chowan Precinct, the Head of Perquimons Precinct, and at the Mouth of Northwest River, in Currituck Precinct; and to prevent Persons from transporting or driving Horses, Cattle, or Hogs, to other persons' Lands.

What Fences are sufficient.

Private Burials prohibited.

An Act Concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestate Estates.

An Act concerning Orphans.

An Act for appointing a Town in the County of Bath; and for securing the Public Library belonging to St. Thomas's Parish, in Pamlico.

An Act for restraining the Indians from molesting or injuring the Inhabitants of this Government; and for securing to the Indians the Right and Property of their own Lands.

Public Treasurers to give an Account.

An Act empowering Joannah Peterson, Widow of Thomas Peterson, late of Albemarle County, Esq., to make sale of certain Lands, late belonging to the

said Thomas Peterson; and to make other Provision for Anna, the Daughter of the said Thomas Peterson, to whom the said Lands do descend.

An Act confirming the Titles of sundry Persons who have, or hereafter may, purchase Lands of Col. Thomas Cary, in Bath County.

And the Law passed in the Year of our Lord One Thousand Seven Hundred and Twenty, intituled as follows, to-wit:

An Act to confirm a Decree made in the Court of Chancery in this Province, upon a Bill of Complaint exhibited by William Duckenfield, Esq.

And the Laws passed at a General Biennial Assembly, held at Edenton in Chowan Precinct, begun the Second Day of October, and continued, by several Adjournments, to the Nineteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Twenty Two, intituled as follows; to-wit:

An Act for a Road from Core-Point to New Bern, on Neuse River.

An additional Act to an Act, intituled, An Act appointing Toll-Books.

An Act appointing that Part of Albemarle County, lying on the West Side of Chowan River, to be a Precinct, by the Name of Bertie Precinct.

An Act appointing that Part of the Southwest Parish of Chowan, that lies on the South Shore, and Alligator, to be a distinct Parish, by the Name of the South Parish of Chowan; and for appointing Vestrymen for the same Parish.

An Act for settling the Precinct Courts, and Court-houses.

And the Laws passed at a General Biennial Assembly, held at Edenton, the Twenty Third Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Three, intituled as follows:

An Act for settling the Titles and Bounds of Lands.

An Act for an additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, Male and Female, as now, or hereafter shall be intermarried with any such Persons resident in this Government.

An additional Act to an Act, intituled, an Act concerning proving Wills, and granting Letters of administration; and to prevent Frauds in the Management of Intestates Estates.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

An Act for the better settling of the Town of New Bern, in the Precinct of Craven.

An Act for incorporating the Sea Port of Beaufort, in Carteret Precinct, into a Township, by the Name of Beaufort.

And the Laws passed at a General Biennial Assembly, held at Edenton, the Sixth Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Seven, intituled as follows; to-wit:

An Act to appoint the Northwest Parish of Bertie Precinct a distinct Parish, by the Name of the Northwest Parish of Bertie Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government, to call the Church Wardens and Vestry to Account, for the Parish Money by them received.

And the Laws passed at a General Biennial Assembly, held at Edenton, the Twenty Seventh Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine, intituled as follows:

An Act for the more quiet settling the Bounds of the Meherrin Indian Lands.

An Act to make Hyde Precinct separate from Beaufort Precinct, with Power of erecting a Court-house, and holding Courts.

An Act to appoint that Part of Albemarle County lying on the South Side of Albemarle Sound, and Moratuck River, as high as the Rainbow Banks, to be a Precinct, by the Name of Tyrrell Precinct.

An additional Act to an Act, for appointing Toll-Books; and for preventing People from driving Horses, Cattle, or Hogs to other People's Lands.

An Act for the more effectual and speedy putting in Execution the Act for settling the Titles and Bounds of People's Lands.

An Act to confirm Bath-Town Common.

An Act for Regulating Vestries in this Government, and for better inspecting the Vestrymen and Church Wardens' Accounts of each and every Parish in this Government.

And the Laws passed in the Year One Thousand Seven Hundred and Thirty Four, as follows: to-wit.

An Additional Act, to an Act, concerning Roads and Ferries.

An Act to confirm and establish the Precincts of Onslow and Bladen, and for appointing them distinct Parishes.

And the Laws passed at a General Assembly, held at Newbern, the Sixth Day of March, in the Year of our Lord One Thousand Seven Hundred and Thirty Eight, intituled as follows, to-wit:

An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein; and for abolishing the Office of Provost Marshal of this Province, and for altering the Names of the Precincts into Counties.

An Act to prevent killing Deer at unreasonable Times.

An Act for appointing a Town on the Plantation whereon William Webster now dwelleth, in Hyde Precinct, on the West Side of Matchapungo River.

And the Laws passed the Eight Day of March, in the Year last above said, intituled,

An Act to supply the defects of an Act passed last Session of Assembly, intituled, an Act, for appointing Sheriffs in the Room of Marshals in this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein; and for abolishing the office of Provost Marshal of this Province and for altering the Names of the Precincts into Counties.

And the Laws passed at a General Assembly, held at New Bern, the Twenty Fifth Day of February; in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, intituled as follows, to wit:

An Act for prescribing the Method of proving Book-Debts.

An Act for erecting the Village called Newton, in New Hanover County, into a Town or Township, by the Name of Wilmington.

And the Laws passed at a General Assembly, held at Edenton, the Twenty First Day of August, in the Year of our Lord One Thousand Seven Hundred and Forty intituled as follows, to-wit:

An Act for confirming the Titles to the Town Lands of Edenton, for se-

curing the Privileges heretofore granted to the said Town, and for the further Encouragement and better Regulation thereof.

An Act to enable the Commissioners herein after appointed, to erect, and finish a Church at New Bern, in Craven County and Parish, in the Province aforesaid, and for the better regulating the said Town; and other Purposes therein mentioned.

An Act to enable the Commissioners herein after mentioned, to finish the Church already begun at Edenton.

An Act for the better and further Regulation of the Town called Wilmington, in New Hanover County, and to establish the Church of the Parish of St. James, to be built in the said Town.

An Act for the More effectual establishing a Ferry from Bath Town to Core Point, &c.

An Act to exempt the Inhabitants of Bath Town from working on the Public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order.

An Act to enable the Justices of Tyrrel County to build a Warehouse on Scuppernong, for receiving of his Majesty's Quit-Rents.

An Act for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops inlisted in his Majesty's Service in this Colony, and to ascertain the Method of Paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.

And the Laws passed at a General Assembly, held at Edenton, the Fourth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty One, intituled as follows, to-wit:

An act concerning Marriages.

An Act to make and confirm that Part of the Main Road leading from Bennet's Creek Bridge to Virginia, joining to Mr. Henry Baker's in Chowan County, altered for the Conveniency of the Public by the adjacent Inhabitants, to be the Main and Public Road.

An Act to appoint Constables.

An Act to confirm and erect that Part of the Province of North Carolina, called Edgecomb County, into a County, by the Name of Edgecomb County, and establishing the said County a Parish; and for ascertaining the Boundary Line between the Northwest and Society Parishes, in Bertie County.

An Act to prevent stealing of Cattle, and Hogs, and altering and defacing Marks and Brands, and Mismarking and Misbranding Horses, Cattle, and Hogs, unmarked and unbranded.

An Act for ascertaining the Boundary Line between Tyrrell County, and Beaufort County; and between Edgecomb County, and Tyrrell and Beaufort Counties.

An Act for restraining the taking of excessive Usury.

An Act for appointing and laying out a Town or or near Mittam's Point, on the South Side of New River, in Onslow County, by the Name of Johnston.

An Act to prevent the taking of Boats, Canoes, Pettiaguas, from Landings, or elsewhere without leave.

An Act for the better observation and keeping of the Lord's Day, commonly called Sunday; and for the more effectual Suppression of Vice and Immorality.

An Act for the Tryal of mean and small Causes.

An Act for ascertaining the Damage upon protested Bills of Exchange.

An Act for regulating Weights and Measures.

An Act for the building and maintaining Court-houses, Prisons, and Stocks, in every County within this Province, and appointing Rules to each County Prison for Debtors.

An Act the better to enable the Commissioners appointed for building a Church at New Bern, to erect the same, and to empower them to demand and receive of any Person or Persons, all Parish Levies already laid, and not appropriated; and for other Purposes therein mentioned.

An Act for regulating Ordinaries, and for the Restraint of Tippling-houses.

An Act for the Relief of such Persons as have suffered, or may suffer, by Neglect of the Registers of the several Counties within this Province, in registering their Deeds or mesne Conveyances; as also for want of acknowledging and proving, or through ignorance and Neglect, not applying to have the same registered.

An Act for establishing the Church, for appointing Parishes, and the Method of electing Vestries; and for directing the Settlement of Parish Accounts throughout this Government.

An Act concerning Servants and Slaves.

And the Law passed at Wilmington, in the said Year of our Lord One Thousand Seven Hundred and Forty One, intituled as follows, to-wit:

An Act for erecting the upper Part of Bertie County into a County, by the Name of Northampton County, and for regulating the limits between Society Parish and the Northwest Parish of Bertie; and for removing the Seat of Bertie Court.

And the Laws passed at a General Assembly, held at Edenton, the Second Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Three, intituled as follows, to-wit:

An Act to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote, in the said Elections, or to be Elected a Member of the General Assembly, for any of the said Counties; and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

An Act for obtaining an exact list of the Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the Future due and payable.

An Act to empower the Justices of Beaufort County to build Two substantial Warehouses, at the Place hereafter mentioned, in the said County, for the Use and Conveniency of the Inhabitants paying their Taxes and Levies.

An Act to ascertain what Attorneys' Fees shall be Taxed and allowed, in any Suit or Action brought in any of the Courts of Record in this Province.

An Act for making and clearing a Highway, from Edenton, into the Road leading over Mr. Hoskin's Mill Dam, towards Perquimons Court-house, and for erecting Bridges in such Road, and also, another Gate at Edenton.

An Act for erecting a Court-house, Prison and Stocks, in Bertie County, and for laying a Tax on the Inhabitants of the said County, for defraying the Charge thereof.

And the Laws passed at a General Assembly, held at New Bern, the Twentieth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Five intituled as follows, to-wit:

An additional Act to an Act, intituled, An Act for appointing Sheriffs in the Room of Marshalls of this Province, for prescribing the Method of ap-

pointing them, and limiting the Time of their Continuance in Office, and directing their Duty therein; and for altering the Names of Precincts into Counties.

An additional Act to an Act, intituled an Act to prevent killing Deer at unseasonable Times, and for putting a stop to many abuses committed by White Persons, under Pretence of hunting.

An Act to impower the several Commissioners hereinafter named, to make, mend, and to repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts hereinafter appointed, in such Manner as they shall judge most useful to the Public.

An Act for erecting a Fortification on the lower Part of Cape Fear River, for applying thereto the Powder-Money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick.

An Act to appoint Commissioners in the Place and Stead of those deceased to compleat and finish the Church at New Bern, and for adding the present Church Wardens and Vestrymen to the said Commissioners; and for empowering the said Commissioners, Church Wardens and Vestrymen, to call the former Commissioners to Account for all the Monies by them received for the use of the said Church, and to appropriate it to the Purposes aforesaid; and in Case of insufficiency, to lay a Levy to accomplish the same.

An Act to add that Part of the Province called Matamuskeet, and Lake, to Hyde County.

An Act to impower the Commissioners for the Town of Edenton, to keep in Repair the Town Fences, and to erect and build a Pound, Bridges, and Public Wharf, and Market-house; as also to erect and build a School-house, in the said Town, and other Purposes therein mentioned.

An Act for the better regulating the Town of Wilmington, and for confirming and establishing the late Survey of the same, with the Plan annexed.

An Act for Fencing the Town of Bath, and re-surveying the Common belonging to the said Town, and exempting the Inhabitants from working on the Main Road; and to give Liberty to the Inhabitants to build and improve the Front or Water Lots, and to appoint Commissioners for the Purposes aforesaid.

An Act to encourage Persons to settle in the Town of Brunswick, on the Southwest Side of Cape Fear River.

And the Laws passed at a General Assembly held at New Bern, the Twenty Eight Day of June, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled as follows, to-wit:

An Act for the better regulating the Militia of this Government.

An Act for erecting the upper Part of Craven County into a County and Parish; and for appointing a Place for building a Court-house, Prison, and Stocks in the said County.

An Act for dividing Edgecomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish; and for appointing Vestrymen of the said Parish.

And the Laws passed at a General Assembly, held at Wilmington, the Fifth Day of December, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled as follows, to-wit:

An Act for the better ascertaining the Number of Members to be chosen

for the several Counties within this Province, to sit in General Assembly, and for establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses.

An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expences thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein.

And the Laws passed at a General Assembly, held at New Bern, the Seventeenth Day of March, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled as follows, to-wit:

An Act for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

And the Laws passed at a General Assembly, held at New Bern, the Sixth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled as follows to-wit:

An Act to appoint Public Treasurers.

An Act for regulating the several Officers' Fees within this Province, and ascertaining the Method of paying the same.

An Act for laying a Tax on the Inhabitants of Granville County, and for appointing Commissioners to compleat and finish the Public Buildings already begun in the said County.

An Act to prevent the Exportation of Raw Hides, Pieces of Hides, and Calf Skins out of this Government.

An Act to appoint Commissioners to continue running the Boundary Line between Edgecomb County, Tyrrell, and Part of Beaufort Counties.

An Act for destroying of Vermin in this Province.

An Act for enlarging the Time for the Commissioners of the Roads, appointed by the Act of Assembly passed April the Twentieth, One Thousand Seven Hundred and Forty Five, intituled, An Act for empowering the several Commissioners hereinafter Named, to make, mend, and repair all Roads, and Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts hereinafter appointed, in such Manner as they shall judge most useful to the Public, to recover the several Sums due from Defaulters.

An Act to provide indifferent Jurymen in all Causes both Civil and Criminal, and for an Allowance for their Attendance.

An Act for altering the Times for holding Courts for the County of New Hanover.

An Act for granting unto his Majesty the Sum of Twenty One Thousand Three Hundred and Fifty Pounds Proclamation Money, and for Stamping and Emitting the said Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money, to be applied towards building Fortifications in this Province, Payment of the Public Debts, exchanging the Present Bills of Credit, and for making proper Provision for defraying the Contingent Charges of the Government; and for repealing the several Laws hereinafter mentioned.

And the Laws passed at a General Assembly, held at New Bern, the Fifteenth Day of October, in the said Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled as follows, to-wit:

An Act to appoint a Convenient Place for holding the County Court of Granville, and to empower the Commissioners hereafter named to build a Court-house, Prison, and Stocks, in the said County.

An Act for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the General Assembly of this Province, in their travelling to, from, and attending at the said Assemblies; and to compel their Attendance.

An Act for ascertaining the Bounds of a certain Tract of Land, formerly laid out by a Treaty, to the Use of the Tuskerora Indians, so long as they, or any of them, shall occupy and live upon the same; and to prevent any Person or Persons taking up Lands or settling within the said Bounds, by Pretence of any Purchase or Purchases made, or that shall be made, from the said Indians.

An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their possessions, and for directing the Payment of Quit-Rents.

An Act to appoint an Agent to solicit the Affairs of this Province, at the several Boards in England.

An Act for the better regulating of the Town of New Bern, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town.

An Act to alter and amend an Act, intituled, An Act for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

And the Laws passed at a General Assembly, held at New Bern, the Fourteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, intituled as follows, to-wit:

An additional Act, to an Act, intituled, An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

An Act for the Relief of poor Debtors, as to the Imprisonment of their Persons.

An Act for the Encouragement of James Davis, to set up and carry on his Business of a Printer in this Province; and for other purposes therein mentioned.

An Act directing the Method for cutting or docking Intails of small Estates.

And the Laws passed this present Session of Assembly, at New Bern, the Sixteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, intituled as follows, to-wit:

An Act to put in Force in this Province, the several Statutes of the Kingdom of England, or South Britain, therein particularly mentioned.

An Act to revise a Clause in an Act, of the General Assembly, intituled, An Act to fix a Place for the Seat of Government and for keeping Public Offices, for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein.

An additional Act to an Act, intituled an Act, to provide indifferent Jurymen in all Causes, Civil, and Criminal, and for allowance for their Attendance.

An Act for Altering, explaining, and continuing an Act, intituled, an Act for the better regulating the Militia of this Government.

An Act to appoint a Public Treasurer, in the Room of the Honourable Edward Moseley, Esq., deceased: And every Clause and Section of them, and each of them, (except such Clause and Clauses, Section and Sections, which are become obsolete, have expired, or stand and are repealed by any subsequent Act of the General Assembly of this Province hereinbefore mentioned,) are hereby Confirmed, and shall be held, deemed, and taken to be and remain in full Force, within this Province, and shall be printed, and given in Evidence, agreeable to the aforementioned Act, intituled An Act for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province; and the Act, intituled, an Act, to alter and amend an Act, intituled, an Act for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

III. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures mentioned in any of the before recited Laws where the particular Species of Money is not specially named, the same shall be understood, deemed and adjudged to be Proclamation Money, and none other.

IV. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, Clause and Clauses, Section and Sections, of all and every Act and Acts of the General Assembly of this Province, in the said revised Laws or Acts of the said General Assembly, mentioned to be obsolete, expired, and repealed, are hereby Enacted and Declared to be obsolete, expired, and repealed; and the Titles, with such Note only, be printed.

V. Provided always, nevertheless, and it is hereby Enacted, That all and every Judgment, Order, Decree, or Sentence of any Court heretofore given or passed and all and every Matter or Thing heretofore done and performed by any Officer or Officers, Judicial or Ministerial, or by any other Person or Persons whatsoever, in Virtue, and by Force of any Act or Acts, Clause or Clauses of any Act or Acts of the General Assembly of this Province, in the said revised Laws mentioned to be obsolete, expired, or repealed, shall be deemed, held, and taken to be good and valid in Law, to all Intents and Purposes, as if the said Acts were continued and in full Force; any Thing herein before contained to the contrary, in any wise notwithstanding.

Signed by,

GABRIEL JOHNSTON, ESQ., Governor,
Nathaniel Rice, President,
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1749.

At a General Assembly, held at New Bern, the Seventeenth Day of March, in the Year of Our Lord One Thousand Seven Hundred and Forty Nine. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act for Erecting the Upper Part of New-Hanover County into a County and Parish, by the Name of Duplin County, and St. Gabriel Parish, and for appointing a Place for building a Court-house, Prison and Stocks, in the said County.

I. Whereas the County of New-Hanover has now become so very extensive, that many of the Inhabitants thereof live very remote from the Place where the Court of the said County is held, whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their Ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and often Times as Evidences, at the said Court; For Remedy Whereof,

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That New-Hanover County be divided by a Line, beginning at the Mouth of Rock-fish Creek, on the North-East River of Cape-Fear, running East to Onslow County, and Westward, by a Straight Line from the Mouth of the said Creek, to the Upper Forks of Black River, where Cohecry and the Six Runs meet, thence up Cohecry to the Head thereof; and that the Upper part of the said County be erected into a County, by the name of Duplin County, and St. Gabriel Parish: And that the said County and Parish shall enjoy all the Privileges and Advantages that any other County and Parish in this Province now holds or enjoys.

III. And be it further Enacted, by the Authority aforesaid, That the Courts of the said County shall be held on the Second Tuesdays in January, April, July, and October.

IV. And be it further Enacted, That the Justices of the said County, or the Majority of them, shall hold their first Court at the House of William McRee, at Goshen, and then and there nominate and appoint a certain Place for building a Court-house, Prison, and Stocks, at the most proper Place in the said County; and shall further divide the said County into Districts and appoint Commissioners of the Roads for the same; and shall also make such Orders and Rules for erecting the said Buildings, and running the dividing Line aforesaid, at the proper and equal Expence of the Inhabitants of the same, by a Poll-Tax, not exceeding One Shilling Proclamation Money, per year, for the Three Years, and no longer.

V. And be it further Enacted, That Mr. John Sampson, and Capt. Henry Hyrne, be, and are hereby appointed and authorized Commissioners; and are hereby impowered and directed to run the said Dividing Line between the Counties of New-Hanover and Duplin.

VI. And be it further Enacted, by the Authority aforesaid, That William

McRee, Jun., be, and is hereby appointed Sheriff of the said County, until the Time by Law prescribed for appointing Sheriffs for the several Counties in this Province, and shall be vested with all the Powers and Authorities any other Sheriff or Sheriffs in this Province is and are vested with. And to the End that no Action begun in New-Hanover County, be defeated by the Division aforesaid.

VII. Be it Enacted, by the Authority aforesaid That where any Action is already commenced in the said Court of New-Hanover County, and that the Parties or Evidences shall be Inhabitants of the County of Duplin, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriff of New-Hanover County: Any Law, Usage, or Custom, to the contrary, notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That Mr. John Sampson, Mr. William McRee, Mr. George Meares, Mr. Francis Brice, Mr. William Houston, Mr. Joseph Williams, Mr. John Herring, Mr. Anthony Cox, Mr. Mark Phillips, Mr. John Turner, Mr. Thomas Suggs, and Mr. Charles Gavin, be, and are hereby appointed Vestrymen of St. Gabriel Parish aforesaid, until the General Election of Vestrymen, according to law; and that the said Vestrymen shall be summoned by the Sheriff of the said County of Duplin, to meet at the Place appointed by this Act where the Court is to be held, and qualify themselves as a Vestry, and proceed to Parish Business.

IX. And be it further Enacted, That all Public, County, and Parish Levies now due from any of the said Inhabitants of the said County of Duplin, shall be collected by the Sheriff of New-Hanover County, and accounted for in the same Manner as if this Act had not been made.

X. And be it further Enacted, by the Authority aforesaid, That the said County of Duplin be, and is hereby obliged to send Jurors to the Courts of Assize, Oyer, and Terminer, and General Gaol Delivery, to be held at Wilmington, in like Manner as the Counties of Bladen and Onslow.

CHAPTER II.

An Act for erecting the Upper Part of Bladen County into a County and Parish, by the Name of Anson County and St. George's Parish; and for appointing a Place for building a Court-house, Prison, and Stocks in the said County.

I. Whereas the County of Bladen is now become so very extensive, that many of the Inhabitants thereof live very remote from the Place where the Court of the said County is held; whereby a great many Difficulties and Hardships arise to the Upper Inhabitants thereof, not only in attending their ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and often times as Evidences, at the said Court: For Remedy whereof

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That Bladen County be divided by a Line, beginning at the Place where the South Line of this Province crosseth the Westmost Branch of Little Pee-Dee River, then by a straight Line to a Place where the Commissioners for running the Southern Boundary of this Province crosseth that Branch of Little Pee Dee River, called Drowning Creek,

thence up that Branch to the Head thereof; then by a Line, to run, as near as may be, equidistant, from Saxpahaw River, and Great Pee-Dee River; and that the upper Part of the said County and Parish so laid off and undivided, be erected into a County and Parish, by the Name of Anson County, and St. George's Parish, and that all the Inhabitants to the Westward of the aforementioned dividing line, shall belong and appertain to Anson County: And that the said County and Parish shall enjoy all and every the Privileges, which any other County or Parish in this Province holds or enjoys.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said County to lay a Tax on all the Taxables in the said County, not exceeding the Sum of One Shilling Proclamation Money, per Annum, for the Term of Three Years, for building a Court-house, Prison, and Stocks, in the said County, at such Place as the said Justices shall agree upon and appoint, at the County Court to be holden on the Third Tuesday of October, next following; and shall further divide the said County into Districts, and shall appoint Commissioners of the Roads for the same; Which said Tax shall be Collected by the Sheriff of the said County, at such Times, and in the same Manner as other County Taxes are collected.

IV. And be it further Enacted, by the Authority aforesaid, That the Courts of the said County shall be held, on the Third Tuesdays in January, April, July, and October.

V. And be it further Enacted, That Joseph White be, and is hereby appointed Sheriff of the said County of Anson, until the Time prescribed by Law, for appointing Sheriffs of this Province; and shall be vested with the same Powers and Authorities, as any other Sheriff of any other County in this Province is Vested with.

VI. And be it further Enacted, by the Authority aforesaid, That Mr. Joseph White, Mr. Charles Robertson, Mr. Edmond Cartledge, Mr. William Phillips, Mr. John Brandon, Mr. John Furbus, Mr. James Cartby, Mr. John Crawford, Mr. Alexander Osborn, Mr. Walter Carieth, and Mr. John Brevard, be, and they are hereby appointed Vestrymen of the said Parish of St. George's Until the General Election of Vestrymen, according to Law; and that the said Vestrymen shall be summoned by the Sheriff of the said County, to meet at such Time and Place, as the Majority of the said Vestrymen shall appoint, and qualify themselves as a Vestry, and proceed to Parish Business.

VII. And be it further Enacted, That all County and Parish Taxes, now due from any of the Inhabitants of the said County of Anson, shall be Collected by the Sheriff of Bladen County, and accounted for in the same Manner as tho' this Act had not been.

VIII. And to the End, that no Action commenced in Bladen County be defeated, by the Division aforesaid,

IX. Be it Enacted, by the Authority aforesaid, That where any Action is already commenced in the said County of Bladen, and that the Parties or Evidences shall be Inhabitants of Anson County, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriff of Bladen County, to the End and final Determination of the said Causes: Any Law, Usage, or Custom, to the contrary, notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That the said County of Anson be, and is hereby obliged to send Jurors to the Courts of Assize, Oyer and Terminer, and General Gaol Delivery, to be held at Wilmington, in like Manner as the Counties of Bladen and Onslow.

CHAPTER III.

An additional Act to an Act for obtaining an exact List of Taxables; and for the effectual Collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.

I. Whereas Doubts have arisen, that Persons shall be deemed and taken for taxable Persons in this Province, and no Law now in Force does ascertain the same: For Remedy whereof.

II. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That all and every White Person, Male, of the Age of Sixteen Years, and upwards, all Negroes, Mulattoes, Mustees Male or Female, and all Persons of Mixt Blood, to the Fourth Generation, of the Age of Twelve Years, and upwards, and all white Persons intermarrying with any Negro, mulatto, or Mustee, or other Person of mixt Blood, while to intermarry with no other Person or Persons whatsoever, shall be deemed Taxables: Any Law, Usage, or Custom, to the contrary, notwithstanding.

III. And whereas it sometimes happens, that through Death or Removal of the several Constables out of their respective Counties, the several Masters, Mistresses, or Overseers, are not duly summoned to appear, and give in, upon Oath, their respective Lists, whereby Deficiencies have happened and Disputes arisen: For Remedy whereof;

IV. Be it Enacted, by the Authority aforesaid, That every Master or Mistress of a Family, or Overseer of a Plantation, of which there is no Master or Mistress, within the County, although not summoned, is hereby required to appear before one of his Majesty's Justices of the Peace for the County, on or before the Second Court to be held for the County, after the First Day of May, Yearly, and to give in his or her List of Taxables, setting forth in such List, the Name and Sex of each Taxable Person, whether white or black, bond or free, and distinguishing such Male Slaves as are Sixteen Years of Age, and upwards; under the Penalty of Forty Shillings, Proclamation Money, over and above Twenty Shillings, like Money, for each and every Month he or she shall neglect giving in such List, after the said Second Court to be held for the said County, after the said First Day of May: To be recovered in any Court, or before two Justices of the Peace, according as the same may be cognizable, by Action of Debt, Bill, Complaint, or Information; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of: One Half to the Informer, and the other Half to be paid to the Justices, for the Use of the County where the same shall be recovered.

V. And be it further Enacted, That all such Person or Persons resident in any County of this Province, at the Times Taxables are by law to be inlisted, who have no Home or Dwelling, of his or their own in such County shall, and are hereby required, to procure some House-keeper to List him or them; under the same Penalties and Forfeitures as by Law are inflicted on Masters of Families neglecting to give in their several Lists.

VI. And the better to discover Concealments, Be it Enacted, by the Authority aforesaid, That the Clerk of each and every County Court, shall, within one Month next after the Lists of Taxables shall be returned by the Justices into his Office, transmit One attested Copy of such List, Yearly, to the Sheriff of the said County; and also, shall affix One fair Copy in the Court-house, and keep the same there constantly set up, that all Persons

may have Opportunity to pursue and examine the same; under the Penalty of Five Pounds, Proclamation Money, for every such Neglect: To be recovered by Action of Debt, in any Court of Record in this Province, by any Person who shall or will sue for the same; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of: One Half to the Use of the Prosecutor, and the other Half to the Use of the Parish wherein the Offence shall be committed.

VII. And be it further Enacted, That the Justices of the several County Courts, are hereby impowered, to make the Clerks thereof a proper Allowance out of the County Tax for making out the said several Lists.

CHAPTER IV.

An Act to enable the Justices of the several Counties to provide certain Law Books, for the Use of their County Courts.

I. Be it Enacted, by his Excellency, Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and General Assembly of this Province, That the Justices of each County Court within this Province, shall and may have full Power and Authority, in some convenient Time, according to their Discretion, to purchase and provide the latest Editions of the Law Books following, to-wit, Nelson's Justice, Cary's Abridgement of the Statutes; Swinburn of Wills, or Godolphin's Orphan's Legacy, and Jacob's Law Dictionary, or Wood's Institutes: Which Books, when provided, shall be, forever after, for the Use of the County Court, and shall be kept in the Offices of the several Clerks, and constantly, during the setting of every County Court, laid, by the Clerk of each Court, on the Court Table, for the Use and Perusal of the Justices of such Court, and of all such as may have any Matters depending in Court.

II. And be it further Enacted, by the Authority aforesaid, That if any County Court Clerk shall abuse or destroy, or suffer to be abused or destroyed, any of the Books so committed to his Care, he shall be fined, at the Discretion of the Court, for such his Neglect: Which Fine shall be applied towards repairing the Loss or Damage of such Books, occasioned by such Neglect.

III. And be it further Enacted, by the Authority aforesaid, That the Justices in the several County Courts, shall have full Power to lay such an additional Tax on their respective Counties, as shall be sufficient to purchase and provide the Books aforesaid; and shall apply the same accordingly.

CHAPTER V.

An Act, to encourage Michael Higgins to build a Bridge over Trent River, near Wickliff's Ferry, in Craven County.

(Printed in Private Acts, *post.*)

CHAPTER VI

An Act for appointing and laying out a Town on the Plantation of Mr. Samuel Jordan, on the North Side of Roanoke River, in Northampton County; and for Establishing Two Fairs to be held Annually therein.

(Printed in Private Acts, *post.*)

CHAPTER VII.

An Additional Act to an Act, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also, for establishing the Courts of Justice, and regulating the Proceedings therein.

I. Whereas by an Act of this Province, passed at Wilmington, the Fifth Day of December in the Year of our Lord One Thonsand Seven Hundred and Forty Six, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Office, for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein; amongst other Things it is Enacted, That the Chief Justice of the Province for the Time being, or in Case of his sickness or disability, such Person or persons as shall, from Time to Time, be appointed by the Governor or Commander in Chief for the Time Being, shall twice every Year, hold a Court of Assize, Oyer and Terminer, and General Gaol Delivery, at Edenton, at Wilmington, and at Edgecomb Court-house, on the Days and Times in and by the above recited Act fixed and ascertained: And whereas the Chief Justice and Attorney General must necessarily be at great Expence, in riding the Circuits, and holding the Courts at the respective Places aforesaid, it is thereby Enacted, That the Chief Justice, for his Trouble and Expence, shall receive the Sum of Two Hundred Pounds, Proclamation Money, and the Attorney General Sixty Six Pounds Thirteen Shillings and Four Pence, Proclamation Money, Annually, to be paid out of the Tax laid for that Purpose, by a Warrant under the Hand of the Governor Commander in Chief for the Time being:

II. Be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and the Authority of the same, That from and after the Ratification of this Act, the Chief Justice shall be paid, in the Manner by the said Act prescribed, Thirty Three Pounds Thirteen Shillings and Four Pence, Proclamation Money, and no more, for every Court of Assize, Oyer, and Terminer, and General Gaol Delivery, which he shall hold at Edenton, at Wilmington, and at Edgecomb Court-house, or either of them; and in Case of the Absence of the Chief Justice aforesaid, and not Otherwise, there shall be paid to the Commissioner or Commissioners for every Court of Assize, Oyer and Terminer, and General Gaol Delivery, which he or they shall hold at any or either of the said Places, the like Sum of Thirty Three Pounds Thirteen Shillings and Four Pence: Any Thing in the above recited Act to the contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That the Attorney General for the Time being, shall be paid in the Manner by the above recited Act prescribed, for each and every Court of Assize, Oyer and Terminer, and General Gaol Delivery, which he shall attend at Edenton, at Wilmington, and at Edgecomb Court-house, the Sum of Eleven Pounds Two Shillings and Three Pence, Proclamation Money, and no more: Any Thing in the above recited Act to the contrary, notwithstanding.

IV. And whereas by the above recited Act, it is Enacted, That an Annual Poll Tax of Four Pence, Proclamation Money, per Poll, shall be levied, for the Space of Two Years, on all the Taxable Persons within the Province, and collected by the Sheriffs of the respective Counties, at the Times at all other Taxes shall be collected and paid, to be paid and applied as therein mentioned; that is to say, all the Monies arising by the said Tax within the

Counties of Craven, Beaufort, Hyde, Carteret, and Johnston, shall be, by each Sheriff, at the usual Time, Annually, accounted for and paid to Mr. John Barrow, Mr. James McLewean, Mr. Thomas Pearson, Col. Thomas Lovick, and Mr. John West, or the Majority of them, for and towards the Erecting the Offices, and other Public Buildings, at New Bern Town, as they, or the Majority of them, shall think necessary and convenient: And whereas the said Tax is found greatly deficient for the Purposes aforesaid, and the said Commissioners having wholly neglected either to demand or receive the same Tax, or to agree with any Person or Persons to undertake the said Public Buildings: For Remedy whereof:

V. Be it Enacted, and it is hereby Enacted, by the Authority aforesaid, That Mr. John Starkey, Mr. Edward Griffith, and Mr. Jeremiah Vail, be, and are hereby appointed Commissioners, and they, or any Two of them, are hereby invested with full Power and Authority, to agree with any Person or Persons to erect, carry on, and perfect the said Buildings at New Bern Town aforesaid, and also to receive and apply the said Monies arising by the law aforesaid and the further Sum of One Hundred Pounds, Proclamation Money, which is hereby directed to be paid by the Commissioners for Stamping and Emitting the Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit, at the Rate of Proclamation Money, out of the Treasury, in order to enable the aforesaid Mr. John Starkey, Mr. Edward Griffith, and Mr. Jeremiah Vail, Commissioners, or any Two of them, to carry on the said Public Buildings: Any Thing contained in the before recited Act to the contrary thereof, in anywise, notwithstanding.

VI. And whereas some Doubts have arisen, concerning the Practice touching original Attachments, that the same is not rendered certain: It is hereby Enacted, That when any Goods, Chattels, or Monies, shall be attached in any Persons Hands or Possession belonging to the Defendant the Sheriff shall return the same in a special Manner, on the Back of such Attachment; and on Return thereof, a Scire Facias, shall issue against the Person in whose Hand or Possession the Effects or Monies shall or may be attached, to come into Court, and declare, upon Oath, how much Effects or Monies he hath in his Hand or Possession belonging to the Defendant, or Plead, after he has appeared in Garnishee, to the Action, upon Condition he puts in Special Bail; and if the said Person fail to appear after Service of the said Scire Facias, or upon the return of Two Nibils, then Judgment shall be given against such Person, as in other Cases is directed, in and by the aforesaid recited Act.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,
Nathaniel Rice President,
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1750.

At a General Assembly, held at New Bern, the Fifth Day of July, in the Year of our Lord One Thousand Seven Hundred and Fifty. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act to appoint a Public Treasurer in the Room of Eleazer Allen, Esq., Deceased.

I. Whereas by an Act, intituled, An Act, to appoint Public Treasurers, the Honourable Edward Moseley, Esq., was constituted Public Treasurer for the Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort and Hyde; and the said Office having become vacant by the death of the said Edward Moseley: And whereas by an Act intituled, An Act, to appoint a Public Treasurer in the Room of the said Edward Moseley, Esq., deceased, the Honourable Eleazer Allen, Esq., was constituted Public Treasurer, for the said Counties; and the said Office having become vacant by the Death of the said Eleazer Allen, Esq.

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Governor, by and with the advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That John Starkey, Esq., be, and is hereby Appointed Public Treasurer, for the Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, Hyde, Anson and Duplin; in the Room of the said Eleazer Allen, Esq., deceased; which said Treasurer shall, before he enters upon his said Office, give Bond, with Sufficient Sureties, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, lawful Money of Great-Britain, for the faithful Discharge of his said Office: Which Bond shall be lodged in the Secretary's Office.

III. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, County Treasurers, and all other Persons concerned, or who have been concerned, in collecting and receiving any Public Money, within the respective Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, Hyde, Anson, and Duplin, who have not already accounted for and paid the same to the aforesaid Edward Moseley, Esq., or the said Eleazer Allen, Esq., deceased, or to the Committee of Accounts of both Houses, shall, upon Oath, account for and pay to the said John Starkey, Esq., all the Money so by them respectively received, or which by law they ought to have received, and are accountable for; under the Penalty of Twenty Pounds, Proclamation Money.

IV. And be it further Enacted, by the Authority aforesaid, That all and every Sheriff and other Persons, who shall be concerned in the collecting and receiving the Public Monies hereafter to be collected and received, within the several Counties above mentioned, shall, the Week after the succeeding General Court following the Time appointed by law for their collecting or receiving thereof, upon Oath, account for and pay the same to the Public Treasurer aforesaid, at New Bern; under the Penalty of Twenty Pounds, Proclamation Money.

V. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurer is hereby Authorized, impowered, and required, to sue and prosecute all such Sheriffs, County Treasurers, or other Accountants, their Heirs, Executors, or Administrators, or other Persons, who have heretofore been, or who shall hereafter be concerned, in the collecting or receiving the Public Money, or who have or shall, at any Time hereafter, have any of the said Money in their Hands, within any of the said Counties, and shall neglect or refuse to account for and pay the same; and also, on the several Bonds already given, or hereafter to be given, by each and every of the said Sheriffs of the said Counties, County Treasurers, or other Persons in any of the said respective Counties, for the due and faithful Performance of their several Offices and Duties; and the Clerks of the several County Courts, and every other Person or Persons, having such Bond or Bonds, Account or Accounts, or other Papers, in his or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer aforesaid, of such County where the said Bond or Bonds was or were given, or Accounts, or other Papers lodged, when he shall demand the same.

VI. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurer shall, from Time to Time, as often as required, upon Oath, account for, and pay to the General Assembly, all such Sums of Money which he shall receive by Virtue of this Act; for which Trouble, he shall be allowed Five per Cent. on all the Monies by him received and paid into the Assembly, (except the Money he shall receive from the Executors either of the said Edward Moseley, Esq.; or Eleazer Allen, Esq.; which was lodged in the Hands of the said Edward Moseley, Esq.; or Eleazer Allen, Esq.; for building the Forts,) and may deduct the same accordingly.

VII. And be it Enacted, That the Penalties in this Act before mentioned, shall be sued for and recovered in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or Admitted of; Two Thirds whereof to his Majesty, to be applied for the Use of the Public, and the other Third to the Treasurer aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That if the said Public Treasurer shall neglect or refuse to account for and pay to the General Assembly, all such Sums of Money which he shall receive in Virtue of this Act, he shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money, for each Neglect or Refusal; to be recovered by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, by him or them that shall or will sue for the same: Two Thirds whereof to his Majesty, to be applied for the Use of the Public, and the other Third to the Prosecutor.

IX. And be it further Enacted, by the Authority aforesaid, That this Act shall continue in Force for Three Years, next after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER II.

An Act to repeal Part of a Clause in an Act, intituled, An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

I. Whereas by a Clause in the Act of the General Assembly of this Province, passed the fifteenth Day of October, in the Year of our Lord One

Thousand Seven Hundred and Forty Eight, intituled, An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents, it is Enacted, That the Quit-Rents then after to be paid, for any Lands already granted or that should then after be granted, within this Province, or which had been actually possessed by any Person for the Space of Twenty Years then last Past, should be paid in Proclamation Money, at the Court-house in the County where such Land lieth, or in Inspectors Notes for Tobacco, at One Penny, Proclamation Money, per Pound, or Indigo, at Four Shillings, Proclamation Money, per Pound; And whereas it is apprehended, that many Inconveniences will happen from the Payment of the said Quit-Rents in Indigo, as aforesaid:

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That all and so much of the said recited Clause, as relates to the Payment of Quit-Rents in Indigo, shall be repealed, and it is hereby repealed accordingly; Any Thing in the said Clause, or any subsequent Act, or Clause of an Act, to the contrary thereof, in any wise, notwithstanding.

CHAPTER III.

An Act for Increasing the Annual Allowance given to the Attorney General for his Trouble and Expence in riding the Circuits.

I. Whereas by an Act of Assembly, passed at New Bern, the Twenty Seventh Day of March, in the Year of our Lord One Thousand Seven Hundred and Fifty, intituled, An additional Act to an Act, for fixing a Place for the Seat of Government, and for keeping Public Offices, for appointing Circuit Courts, and defraying the Expence thereof; it is, among other Things Enacted, That the Attorney General for the Time being, shall be paid, for each and every Court of Assize, Oyer and Terminer, and General Gaol Delivery, which he shall attend at Edenton, at Wilmington, and at Edgecomb Court-houses, the Sum of Eleven Pounds Two Shillings and Three Pence Proclamation Money, and no more; And whereas it is found, that the said Allowance to the Attorney General, is insufficient to answer the said Purposes for which it was granted him;

II. Be it therefore Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, That the Attorney General, for his Trouble and Expences in riding the Circuits, shall have and receive the Sum of Twenty Pounds, Proclamation Money, for each and every such Court he shall attend; any Thing in the above recited Act to the contrary, notwithstanding.

III. And be it further Enacted, That this Act shall continue and be in Force for Four Years, next after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,
Nathaniel Rice, President,
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1751.

At a General Assembly begun and held at New Bern, the Twelfth Day of June, in the Nineteenth Year of his Majesty's Reign, and from thence continued, by several Prorogations, to the Twenty Seventh Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty One. *Gabriel Johnston, Esq., Governor.*

CHAPTER I.

An Act to appoint Inspectors in New-Hanover County, and for regulating the Exports at Cape-Fear.

I. For preventing of Fraud, and improving the Trade and Commerce of Cape-Fear in New-Hanover County;

II. We pray that it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of the said Province, and by the Authority of the same, That two Inspectors be appointed, one to reside at Wilmington, and one to reside at Brunswick, in the County of New-Hanover, to perform the Duties enjoined them and each of them, by Virtue of this Act, in inspecting the Commodities herein after mentioned, at the Time of Shipping them out of Cape-Fear River: And every Inspector, before he enters in his Office, shall give Bond, with Two Sufficient Sureties, to the Governor or Commander in Chief for the Time being to be assignable and shall be assigned by the said Governor or Commander in Chief for the Time being, from Time to Time, to the Party injured, who may maintain an Action thereon; which Bond shall be taken by the County Court of New-Hanover aforesaid, in the Sum of Five Hundred Pounds, Proclamation Money, for the Faithful Discharge of his Office; and shall take the following Oath, viz.:

I, A. B., do solemnly Swear, That I will faithfully, impartially, and diligently execute the Office of Inspector, without Favour or Prejudice to any Person whatsoever, according to Law, and to the best of my skill and Judgment. So help me God.

III. And be it further Enacted, That every Cask or Barrel, containing Pitch, Tar, Turpentine, Rice, Beef, or Pork, designed for the Exportation from the River of Cape-Fear, after the First Day of January next, after the passing of this Act, being in the Merchantable Order and Condition herein after mentioned and directed, shall, at the Time of Shipping, be viewed, examined, and approved by the Inspector, and marked, in his Presence, with a hot Iron Brand, bearing the Name of his Place of Residence.

IV. And be it further Enacted, by the Authority aforesaid, That no Master of any Vessel, shall take on Board any Cask or Barrels aforesaid, without being Inspected by the Inspector, and branded with his Brand, as aforesaid, under the Penalty of Ten Pounds, Proclamation Money, for every Offence: One half to the Informer, the other Half to the Use of the Parish where the Offence shall be committed.

V. And be it further Enacted, by the Authority aforesaid, That the Collector of Port Brunswick shall not clear out of his Office, any Ship or Vessel,

before the Master or Commander of such Ship or Vessel shall take the following Oath, viz.:

I, A. B., Master or Commander of the Ship or Vessel called _____ do swear, that I have not received, or permitted to be received, on board my said Ship or Vessel, since my arrival in this Port, any Cask or Barrels of Pitch, Tar, Turpentine, Beef, Pork, or Rice, but what hath the Inspectors Brand thereon. So help me God.

Which Oath the Collector of the Port aforesaid, or his Deputy, is hereby required and impowered to administer: And it shall be lawful for the said Collector or his Deputy, to take and receive, as a Fee for administering the said Oath, the Sum of One Shilling, Proclamation Money: And the Collector or his Deputy for the Port aforesaid, being informed, on Oath, by an Inspector or any other Person, that any Ship or Vessel hath on board any Goods not inspected, he shall cause Search to be made on board such Ship or Vessel, and, on finding any Commodities not inspected, according to the true Intent and Meaning of this Act, he shall not clear out such Ship or Vessel, or give up the Register, until such Time as the Master hath paid the Forfeiture for every such Offence, as before mentioned, under the Penalty of Twenty Pounds, Proclamation Money, for every Neglect or Default such Collector shall make herein; to be applied to the Use of the Parish where the Offence shall or may be committed.

VI. And be it further Enacted, by the Authority aforesaid, That for the better ascertaining and determining what shall be deemed merchantable Goods by this Act to be Inspected, the following Rules shall be observed; that is to say, Every Barrel of Beef or Pork shall contain Two Hundred and Twenty Pounds of wholesome, well-cured Meat, the Cask to be made of White or Water Oak, found, well seasoned, and without Sap, and be tight; and there shall not be any Bulls flesh in a Barrel of Beef, nor in a Barrel of Pork, above Two Heads, or any Boars Flesh: And every Barrel of Beef or Pork shall, on Inspection, be unpacked, and the Meat Weighed, in the Inspectors presence, and be re-packed with Salt and Pickle, and tightly headed again, at the Expence of the Party tendering the same to be Inspected; before the Inspector shall brand the same.

That each Barrel of Pitch or Turpentine, shall be of the Weight of Three Hundred and Twenty Two Pounds, with the Cask; and every Barrel of Pitch or Turpentine weighing less, shall not be deemed Merchantable, but shall be made so at the expence of the Shipper.

That every Barrel of Tar shall be of the Gauge of Thirty One and a Half Gallons, Wine Measure, each; and every Barrel of Tar of a less Size shall be put in Merchantable Cask at the Expence of the Shipper or Owner.

That every Cask or Barrel of Pitch, Tar, Turpentine, or Rice, shall be free from every unfair or fraudulent Mixture whatsoever; under the Penalty of Forfeiting the same; for the use of the Parish where detected.

VII. And forasmuch as it is difficult, in warm and rainy Seasons, to separate water from Tar; It is provided, That Water shall not be accounted a fraudulent Mixture in any Tar; but that in such Case, the Barrels shall not be branded by the Inspector, until they are as free from Water as they can be made: Any Thing in this Act to the contrary, notwithstanding.

VIII. That all Lumber, that is to say, All Staves, Heading, Boards, Plank, Joist, or Square Timber, which shall, after the first Day of January next, be shipped on board any Ship or Vessel, which shall be of the following Dimensions; otherwise shall not be deemed merchantable, and shall be forfeited for the Uses hereinafter mentioned.

Pipe Staves shall be at least Five Feet long, and Three Inches and a Half Broad, and Three quarters of an Inch thick at the Heart or thinnest Edge, and clear of Sap.

Hogshead Staves shall be at least Three Feet Six Inches long, Three Inches and a Half broad, and Three Quarters of an Inch thick at the Heart or thinnest Edge, and clear of Sap.

Barrel Staves shall be at least Two Feet Six Inches long, Four Inches broad, and Three Quarters of an Inch thick at the Heart or thinnest Edge, and clear of Sap.

White Oak Hogshead Heading shall be at least Thirty Inches Long. Six Inches broad and one Inch thick, clear of Sap.

That every Board, Plank, or Scantling, being marked with the Number of more Feet than they, or either of them contain, shall be deemed fraudulent, and forfeited, for the Use of the Parish where detected.

And every Board or Plank shall be free from any Splits exceeding Twelve Inches in length; and no Board shall be deemed Merchantable, which has an Edge less than Half an Inch square, and is not free of Holes.

That every Piece of Scantling, or any other square Timber, marked with the Number of more Feet than it contains, shall be forfeited for the Use of the Parish.

IX. Provided nevertheless, That no Board, Plank, or square Timber, shall be inspected, unless required.

X. And be it further Enacted, by the Authority aforesaid, That in all Disputes between any Inspector and Shipper of Commodities, it shall and may be lawful for the Shipper to make application to a Magistrate, who shall issue out his Warrant to the Constable, for summoning Two indifferent Freeholders, whom he shall mention by Name in the Warrant; and what those Two, being first sworn before any Magistrate, shall determine, shall be binding; or in Case they do not agree, the said Freeholders so summoned and sworn may choose a Third Freeholder, also to be sworn, to assist them, and what Two of those Three agree to, shall be binding on both Inspector and Shipper.

XI. And be it further Enacted, by the Authority aforesaid, That where any Judgment shall be given against any Shipper, Owner, or Inspector, by the Two Freeholders, that then, and in such Case, the said Shipper, Owner or Inspector, against whom the Judgment shall pass, shall pay unto the Party in whose Favour the Judgment shall be given, the Sum of Thirty Shillings, Proclamation Money, for his Costs and Damages sustained.

XII. And be it further Enacted by the Authority aforesaid, That every Inspector shall be intituled to the following Fees, to be paid him in Proclamation Money, or in the Commodities he shall and may inspect, at the then current Market Price, That is to say:

For every Barrel of Rice, Beef, or Pork, Four Pence.

For every Barre. Barrel of Tar, Pitch, or Turpentine, One Penny and Half Penny.

For every Thousand of Staves or Heading, One Shilling and Four Pence.

For every Thousand Feet, superficial Measure, of Board, Plank, or Scantling, One Shilling and Four Pence.

For every Ton of Timber, One Shilling.

XIII. And be it further Enacted, by the Authority aforesaid, That the Justices of New Hanover County shall be, and they are hereby impowered, at their Court of Quarter Sessions, to turn out any Inspector misbehaving, or at the Death or Disability of any of them, to appoint another for the same Place; and in Case any Inspector should die, or remove out of the County,

or be otherwise disabled during the Vacancies of the County Court aforesaid, it shall and may be lawful for three or more Justices of the Peace, nearest to the Place where such Inspector did reside, to meet and appoint a Person to execute that Office until the Meeting of the next County Court; and such Person so appointed shall have the same Powers and Authorities, and be under the same Restrictions, as any Inspector appointed by Virtue of this Act.

XIV. And be it further Enacted, by the Authority aforesaid, That where it shall be necessary to appoint a Person or Persons, to assist either of the said Inspectors in the Execution of his Office, it shall and may be lawful for such Inspector, with the Approbation of the County Court, to appoint one or more Persons to assist him therein; which Person or Persons so appointed before he enters upon the Execution of his Office, shall take the Oath in this Act before mentioned.

XV. And be it further Enacted, by the Authority aforesaid, That Mr. John Sampson, is hereby appointed Inspector to reside at Wilmington, and Mr. William Ross, Inspector, to reside at Brunswick; who shall qualify as such at the next County Court to be held for the County of New Hanover, though they are not to enter upon their Offices until the first Day of January next.

XVI. And be it further Enacted, by the Authority aforesaid, That all and every the Fines and Forfeitures arising or accruing by Virtue of this Act, may be sued for and recovered in any Court of Record in this Province, by the Inspectors, or either of them, or by the Church Wardens of the Parish, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Injunction, Protection, Privilege, or Wager of Law, shall be allowed or admitted of; or before any Justice or Justices of the Peace of the said County, Regard being had to his or their Jurisdiction.

XVII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall be sued or prosecuted for any Matter or Thing done in Execution of this Act, such Person or Persons may plead the General Issue, and give this Act, and the special Matter in Evidence.

XVIII. And be it further Enacted, by the Authority aforesaid, that this Act shall remain in full Force and Virtue, for and during the Space and Term of Three Years, from the Ratification hereof; and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER II.

An Act for Regulating the Pilotage at Cape Fear River, and to empower the Captain of Fort Johnston, at the Mouth of the said River, to examine all Vessels entering the said River, concerning the Health of their Crews on board the said Vessels.

I. Whereas the Pilotage of Cape Fear River is at present under no Regulation by Law, and many abuses may be committed, and the same much neglected.

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the Honourable John Rutherford, Esq., William Dry, Richard Quince, John Lyon, and Lewis DeRosset, Esqrs., be, and they are hereby appointed Commissioners, and they, or the Majority of them, are hereby authorized and empowered, from Time to Time, to examine such and

so many Persons, who shall, from Time to Time, offer themselves to be Pilots for Cape Fear aforesaid, not exceeding Seven in Number.

III. And be it further Enacted, by the Authority aforesaid, That the aforesaid Commissioners, or the Majority of them, upon their Examination and Approbation of any Person, that he is properly qualified to act as a Pilot, shall give to such Person a certificate, under their Hands, to the Governor or Commander in Chief for the Time being, in order for his Approbation, and to obtain a Branch to Act as Pilot for the said River.

IV. And be it further Enacted, by the Authority aforesaid, That every such Person so obtaining a Branch to be Pilot, shall, before he enters upon his Calling or Business, give Bond, with Two sufficient Sureties, to the Governor or Commander in Chief for the Time being, his Successor or Assigns, in the Sum of One Hundred Pounds, with the Condition for the due and faithful Performance of his Office; Which Bond shall be in Trust for such Person or Persons as shall appear to be injured by such Pilot's Negligence, or Non-Performance of the Condition of the said Bond; and shall be assigned to any Person or Persons so injured petitioning for the same, who shall and may maintain an Action thereon.

V. And be it further Enacted, by the Authority aforesaid, That upon the Misbehaviour of any Pilot in his Office, the Commissioners aforesaid or the Majority of them shall, and they are hereby authorized and empowered, to remove such Pilot from his Office, and to appoint another in his stead, until the Pleasure of the Governor or Commander in Chief shall be known.

VI. And be it further Enacted, That the several Pilots for the River aforesaid, shall and may take and receive, for piloting every Vessel over the Bar up to Brunswick, the Rates, in Proclamation Money, according to the following Table, to-wit:

For each Vessel drawing Six Feet Water, or less, Ten Shillings.

For each Vessel, drawing from Six to Ten Feet, at the Rate of Two Shillings per Foot.

From Ten to Twelve Feet, Two Shillings and Four Pence per Foot.

For Twelve Feet, Three Shillings per Foot.

For Thirteen Feet, Three Shillings and Four Pence per Foot.

For Fourteen Feet, Four Shillings per Foot.

For Fifteen Feet, Four Shillings and Six Pence per Foot.

For Sixteen Feet, Five Shillings and Four Pence, per Foot.

For Seventeen Feet, Six Shillings and Eight Pence, per Foot.

And for Piloting a Vessel from Brunswick up to the Great Island, one Third Part of the above Rates, according to the Draught of Water of such Vessel respectively: And from the said Great Island over the Flats up to Wilmington, one other Third Part of the said Rates as aforesaid.

And for Piloting each Vessel outward bound, the like Rates shall and may be taken, for the like Distances and Draughts of Water respectively, as are hereinbefore ascertained for Vessels inward bound.

VII. And be it further Enacted, That no Pilot shall presume to take other or greater Fees than aforesaid, under the Penalty of Forty Shillings; to be recovered, by any Person suing for the same, before any Two Justices, by Warrant.

VIII. And be it further Enacted, That if any Vessel shall come over the Bar before a Pilot gets on board the same, such Vessel shall not be liable to pay above one half of the Pilotage allowed by this Act; Any Thing hereinbefore contained to the contrary, notwithstanding.

IX. And be it further Enacted, That the Commissioners aforesaid shall affix a true Copy or Table of the several Rates of Fees aforesaid, to be taken

by the Pilots for the River aforesaid, in the Office of the Custom-house for the Port of Brunswick; that the Masters of Vessels and others concerned, may have Recourse to the same.

X. And whereas it may tend to the great Disadvantage of his Majesty's Subjects in this Province, if any contagious, pestilential, or malignant Distemper should be brought into the Place or River aforesaid; For Remedy whereof,

XI. Be it Enacted, by the Authority aforesaid, That the Commander of Fort Johnston, for the Time being, shall be, and he is hereby authorized and impowered, to administer an Oath to each and every Commander of a Vessel coming into a Port aforesaid, whether he hath any contagious Distemper on board such his Vessel; and the said Pilots are hereby commanded and required not to proceed with such Vessel higher up the River than the said Fort, before such Master of Vessel shall go on Shore and declare, upon Oath, to the Commander of the Fort aforesaid for the Time being, whether there be any contagious Distemper or not on board his said Vessel, and until a Permission be given by the Commander of the said Fort for that Purpose, under the penalty of Fifty Pounds, Proclamation Money: For which Oath and Permission, the Commander of the Fort for the Time being, shall and may have and receive, from the Commander of such Vessels, the Sum of Five Shillings, Proclamation Money.

XII. And be it further Enacted, That if it should happen that any such Vessel shall have any contagious Distemper on board, the Commander of the said Fort shall order the said Vessel to lie opposite the said Fort, until further Orders shall be given by the Commissioners aforesaid, or the Majority of them; and the said Commissioners or the majority of them, are hereby authorized and impowered to give such directions for the said Vessel and her Crew performing Quarantine, as they shall think necessary, to prevent the spreading of such Contagion: And if any Master or Commander of a Vessel, so ordered to perform Quarantine, shall not obey such Order, such Master or Commander shall forfeit the Sum of One Hundred Pounds, Proclamation money, to be covered by the said Commissioners, in their own Name, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province.

XIII. And whereas it happens, that Vessels bound into the River aforesaid, often come on the Coast in thick Weather, and frequently fire Guns, to acquaint the Pilots of their being on the Coast.

XIV. Be it therefore Enacted, That the Commander of the said Fort for the Time being, shall, and he is hereby required to answer such Vessels by firing one or more Guns, not exceeding Three; for which Powder so expended, the Commander of such Vessel shall pay and satisfy the Commander of the said Fort an equal Quantity of Gun-powder, or pay and satisfy him for the same, at and after the Rate of Two Shillings, Proclamation Money, for each Pound of Gun-powder so by him expended; and the Commander of the said Fort shall forthwith give Notice to the Pilot or Pilots, of such Vessel being on the Coast, And if such Pilot shall not forthwith go out to such Vessel, if in the Day Time, such Pilot shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every Neglect; to be recovered before any Two Magistrates, by the Commander of this Fort.

XV. And be it further Enacted, That the several Forfeitures arising by this Act, not therein before applied, shall be paid to the Commissioners of the said Fort, or their Order, for and towards the maintaining thereof.

XVI. And be it further Enacted, by the Authority aforesaid, That in Case of the Death, Refusal to Act, Departure out of the Country, or other

Disability, or any of the said Commissioners, it shall and may be lawful for the remaining Commissioners, or the Majority of them, and they are hereby required, to elect another in the Room and Stead of the Commissioner Disqualified or disabled as aforesaid; Which Commissioner so elected shall be, and is hereby invested with all the Power and Authority of any Commissioner hereinbefore named.

CHAPTER III.

An additional Act to An Act, intituled, Feme Coverts how to pass Lands.

I. Whereas the Method prescribed for Feme Coverts to convey their Estates in Lands in this Province, by an Act of Assembly, made at a General Biennial Assembly, held on the Seventeenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifteen, intituled, Feme Coverts how to pass Lands, in many Cases, hath been found, by Experience, to be impracticable; by Reason that the Right of Inheritance of many Lands in this Province is in Feme Coverts who are Residents of neighbouring Governments; and in such Cases, Conveyances have been made by the Husband, with the Wife's Consent, and sometimes by both, and at other times by the Wife only, and afterwards ratified and confirmed by the Husband; by Means whereof the Titles of many Persons are become precarious and doubtful, and much Land lies uncultivated; to the great Diminution of the Revenue of the Crown:

II. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the passing of this Act, all Conveyances in Writing, and sealed by Husband and Wife, for any Lands, and by them personally acknowledged before the Chief Justice, or in the Court of the County where the Land lieth, the Wife being first privily examined before the Chief Justice, or some Member of the County Court, appointed by the said Court for that Purpose, whether she doth voluntarily assent thereto, and registered according to the Directions of the Laws of this Province, shall be as valid in Law to convey all the Estate and Title which such Wife may or shall have in any Lands, Tenements, or Hereditaments so conveyed, whether in Fee-simple, Right of Dower, or other Estate, not being Fee-Tail, as if done by Fine and Recovery, or any other Ways or Means whatsoever.

III. Provided nevertheless, That where any such Conveyances as aforesaid shall be acknowledged by the Husband, or proved by the Oath of one or more Witnesses, before the Chief Justice, or County Court where the Land lieth, and it shall be represented to the Chief Justice or County Court aforesaid, that the Wife is a Resident of any other Country, or so aged or infirm that she cannot travel to the Chief Justice or County Court, to make such Acknowledgement as aforesaid, it shall and may be lawful for the Chief Justice or County Court, by his or their Order, to direct the Clerk of the County Court where such Land lieth, to issue a Commission of Two or more Commissioners, for receiving the Acknowledgement of any Deed of such Feme Covert, for passing her Estate in any Lands, Tenements, or Hereditaments; and such Deed, acknowledged before them, after they have examined her privily and apart from her Husband touching her Consent, and certified by the County Court to which the Commission shall be returnable, shall, by order of the County Court, be registered, with the Commission and Return,

and shall be as effectual as if personally acknowledged before the Chief Justice or County Court of such Feme Covert.

IV. And for preventing Mistakes in issuing out such Commissions, Be it Enacted, by the Authority aforesaid, That the several Clerks of this Province, shall issue the same, in the Form following, to-wit:

North Carolina, C. County, ss.

George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

To A. B., C. D. and E., Gentlemen, Greeting.

Whereas F. G. hath produced a Deed of Conveyance, made to him from H. I. and K. his Wife, of a certain Tract or Parcel of Land, lying and being in the County of in our Province of North Carolina, and procured the same to be proved or acknowledged by the said H. I. before I. K. our Chief Justice of our said Province, (Or in the Court of our said County of C. as the Case may be) and it being represented to our said Chief Justice, or to our said Court, that K. the Wife of the said H. I. is an Inhabitant of our said Province, or of or is so aged and infirm, (here as the Case may be) so that she cannot travel to our said Chief Justice, or Court of our said County of to be privily examined as to her free Consent in executing the said Conveyance. Know ye, that we, in Confidence of your Prudence and Fidelity, have appointed you, and by these present do give unto you, or unto any two of you, full Power and Authority, to take the private Examination of the said K. Wife of the said H. I. concerning her free Consent in her executing the said Conveyance: And therefore we command you, or any two of you, that at such certain Day and Place as you shall think fit, you go to the said K. if she cannot conveniently come to you, and privily, and apart from her husband, examine her the said K. whether she executed the said conveyance freely and of her own Accord, without Fear or Compulsion of the said H. I. her Husband; and the Examination being distinctly and plainly wrote on the said Deed, or on some Paper annexed thereto, and when you shall have so taken the said Examination, you are to send the same, closed up, under the Seals of you, or any two of you, together with this Writ, unto our said Court, to be held for the said County of on the Day of next ensuing, in the Year of our Reign. Witness L. M. Clerk of our said Court, at the Day of anno Dom. 17....

L. M., CL. C.

V. And for the greater Security of Purchasers, Be it Enacted by the Authority aforesaid, That all Deeds and Conveyances of Lands, heretofore made by the Husband and wife, or by the wife, and afterwards ratified and confirmed by the Husband, wherein a valuable Consideration is expressed, for any Estate or Title of any Feme Covert, in any Lands, Tenements, or Hereditaments. whether in Fee-simple, Right of Dower, or other Estate, not being Fee-tail, where such Deeds or Conveyances have been registered within Twelve Months from the Date thereof, or shall be registered within the Space of One Year after the Return of the Commission for taking the Examination of the Wife, as hereinbefore mentioned, or where the Person or Persons to whom the same hath been made, hath actually entered therupon, and hath continued in Possession thereof for the Space of Seven Years, by Virtue of such Deeds; they shall be respectively as valid in Law, and take Effect as fully, to the benefit of all Persons respectively in Possession thereby, and their Heirs and Assigns, against the Husband and Wife, and every of their

Heirs and Assigns, and against all other Persons claiming by, from, or under them, or any of them, as if the same had been done by Fine and Recovery, or any other Ways or Means whatsoever; any Law, Custom, or Usage to the contrary, in anywise, notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Chief Justice, County Court Clerks and Public Registers, to take and receive, in Proclamation Money, or Bills of Credit, for the Services aforementioned, the following Fees, to-wit:

THE CHIEF JUSTICE'S FEES.

	Proclamation Money.		
	£.	s.	d.
For an Order, directing the Clerk to issue a Commission to take the Acknowledgement of a Feme Covert to a Deed for Lands, 0	0	0	8

THE CLERK'S FEES.

	Proclamation Money.		
	£.	s.	d.
For entering an Order for issuing a Commission for taking the Acknowledgement of a Feme Covert to a Deed for Lands... 0	0	0	7
For issuing such Commission..... 0	1	4	
For entering an Order for Registering such Return on such Commission 0	0	0	7
For a Copy of such Order, to be endorsed on the Return..... 0	0	0	7

REGISTER'S FEES.

	Proclamation Money.		
	£.	s.	d.
For registering a Commission for taking the Acknowledgement of a Feme Covert, with the Order indorsed, and the Commissioner's certificate..... 0	2	8	

VII. And be it Enacted by the Authority aforesaid, That if any of the Officers aforesaid Shall demand, extort, exact, or receive any other or larger Fees, for the Services aforesaid, than what are herein particularly mentioned, or shall refuse to do the particular Service in his Office for the said Fees, such Officer shall be liable to the same Forfeitures and Penalties, and the Party aggrieved have the same Action, Remedy and Relief, as is provided by one Act of Assembly, made in the Twenty Second Year of the Reign of his present Majesty, intituled, An Act regulating the several Officers' Fees within this Province, and ascertaining the Method of paying the same.

CHAPTER IV.

An additional Act to the several Acts, to appoint Public Treasurers.

I. Whereas many of the Mortgage Bonds formerly taken by the several County Treasurers, in Virtue of several Acts of Assembly then in Force, by Reason of the Neglect or Death of most of those Treasurers, remain uncanceled, and the Money due thereon unpaid; and the Times limited by the Law being long since expired, and no Person legally impowered to make Distress for the same, whereby the Public is very much injured: For Remedy whereof,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of

his Majesty's Council and General Assembly of the said Province, and by the Authority of the same, That each of the Public Treasurers, in their several Districts respectively, are hereby authorized, impowered, and required, to take into his or their Keeping and Possession, the several Mortgage Bonds yet uncanceled and unpaid; and the several Persons in whose Keeping or Possession any of the said uncanceled Bonds are remaining, are hereby required to deliver the same on Demand, to the respective Public Treasurer of the District, under the Penalty of Ten Pounds Proclamation Money, for every such Refusal or Neglect; to be sued for, and recovered, by the Public Treasurer of the District where the Person so refusing or Neglecting may reside, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Injunction or Wager of Law shall be allowed or admitted of; and applied one Half to the Use of the Public, the other Half to the Treasurer who shall sue for the same.

III. And be it further Enacted, by the Authority aforesaid, That the Public Treasurer aforesaid in their respective Districts, upon the Receipt of all, or any of the said Mortgage Bonds not cancelled nor paid, shall cause a List or Schedule of such Bonds, describing the Place where the Lands lie, the Mortgager's Name, the Sum supposed to be due on each Mortgage, to be affixed on the Door of the Court-house of the County, or the Court of Assize, or General Court, when held in the County where the Land lies, during the sitting of at least one such Court.

IV. And be it further Enacted, by the Authority aforesaid, That where any Person shall make Default for thirty Days after such List hath been affixed as aforesaid, to pay the several Sums due on each Mortgage Bond, in such Case, each and every Public Treasurer is hereby impowered, directed, and required, to make distress, by granting an Attachment, directed to the Sheriff of the County where any Personal Estate belonging to any Defaulter lies; who is hereby authorized and required to execute the same, on any such Personal Estate in his County to be found.

V. And be it further Enacted, by the Authority aforesaid, That all such Goods and Chattels so distrained on as aforesaid, shall be set up and sold at public Vendue, at the next County Court, or Court of Assize, or General Court, after such Distress shall be made; an inventory of such Goods having been first set up at such Court-house, at least Ten Days before such Sale.

VI. And be it further Enacted, by the Authority aforesaid, That where no Personal Estate belonging to any Defaulter, shall be found in the County wherein the mortgaged Land lies, in such Case, it shall and may be lawful for the Public Treasurer, in his respective District, by Virtue of such Mortgage, to enter on the said Land, and after having given Forty Days' Notice, by fixing a Note on the County Court-house, to expose the said Lands to Sale by public Vendue, at the next County Court, Court of Assize, or General Court, after such Notice; and whatsoever such Land shall sell for, more than what is due on such Bonds, and the Charge of the sale of such Lands, and to the Treasurer for conveying the same to the Purchaser or Purchasers, shall be returned to the Owner; which Sale, made by such Treasurer, shall be good and effectual in Law, to all Intents and Purposes whatsoever; and the said Deed so given, if lost, the Registry thereof shall and may be given in Evidence, in any Court of Record within this Province.

VII. And whereas, since the erecting Fort Johnston at the Mouth of Cape Fear River, there appears to remain in the Hands of the Public Treasurer of the Southern Counties, a Surplus of the Monies appropriated by Law for

that Purpose; and it being necessary that the said Fort now built should be preserved;

VIII. Be it Enacted, by the Authority aforesaid, That it shall and may be lawful for the Commissioners appointed by Act of Assembly, intituled, An Act for erecting a Fortification on the lower Part of Cape Fear River, by Warrant under their Hands, or the Major Part of them, to draw, from Time to Time, out of the hands of the said Treasurer, such Sum or Sums of Money, as they shall judge necessary, for the guarding, watching, and preserving the said Fort.

IX. Provided it does not exceed the surplus of the Money formerly appropriated by the Act of Assembly, to the erecting the said Fort; and the Public Treasurer shall pay such Draught at Wilmington, each Court of Assize, and the Commissioners shall account for the same, in the same Manner as all other Public Monies by law are to be accounted for.

CHAPTER V.

An Act to revive An Act intituled An Act to appoint an Agent, to solicit the Affairs of this Province, at the several Boards in England.

I. Whereas, in and by An Act of the General Assembly of this Province, passed in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled, An Act to appoint an Agent, to solicit the Affairs of this Province, at the several Boards in England, James Abercrombie, Esq., was appointed Agent of this Province, for and during the Term of Two Years, next after the Twenty Fifth Day of March then next following the Ratification of the said Act, and it being found very beneficial to the Province, that a proper Person should, by Public Authority, solicit and represent the Affairs of this Province, at the several Boards in England; but the said Act being made temporary, and not now in Force, the Time limited therein being expired;

II. We pray it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, And it is hereby Enacted by the Authority of the same, That from and after the Ratification of this Act, the said Act passed in the said Year of our Lord One Thousand Seven Hundred and Forty Eight, to appoint an Agent to solicit the Affairs of this Province, at the several Boards in England, and every Clause thereof, (except as is hereinafter excepted) be revived; and be and remain, in full Force, for and during the Term of Three Years, to commence at and from the Twenty Fifth Day of March last Past, and no longer.

III. And whereas, the Salary of Fifty Pounds Sterling, per Annum, in the said Act, mentioned and allowed to the said Agent, is not adequate to his Trouble and Expence. And whereas, the Sum of One Hundred and Eleven Pounds, Nine Shillings and Two Pence, Sterling Money, appears to be due to the said Agent, for extraordinary Expences, Charges and Trouble, in the Service of this Province:

IV. Be it therefore Enacted, by the Authority aforesaid, That such a Sum, in Proclamation Money, be paid immediately to the Committee of Correspondence, out of the Public Treasury, by a Warrant from his Excellency the Governor, as shall be sufficient to enable them to remit and pay to the said James Abercrombie in England, the said One Hundred and Eleven Pounds Nine Shillings and Two Pence Sterling, and also, the Yearly Salary

of One Hundred Pounds Sterling, to commence from the Twenty Fifth Day of March last past, for and during the Continuance of this Act.

V. And be it further Enacted, by the Authority aforesaid, That the Honourable James Hasell, Esq., and Mr. John Dawson, be and are hereby added to the Committee of Correspondence, and appointed in and by the before-recited Act, in the Room of Robert Halton, and Eleazer Allen, Esqrs., deceased.

VI. And be it further Enacted, by the Authority aforesaid, That this Act shall continue, be, and remain in Force, for and during the Term of Three Years, to commence at and from the Twenty Fifth Day of March last past, and no longer.

CHAPTER VI.

An Act for granting to his Majesty, a Duty on the Importation of Rum, and Wine into Anson County from South Carolina.

I. Whereas, the Inhabitants of Anson County, do make quantities of strong Liquors sufficient for their own Use, and the frequent Importation of Rum, Wine, and other Spirituous Liquors into Anson County from South Carolina, only drains the Inhabitants of their Substance, and is greatly detrimental to their Families:

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That from and after the Twenty Fifth Day of March next, after the passing this Act, every Importer of Wine, Rum, and other Spirituous Liquors, from South Carolina, into Anson County, shall pay, as a Duty to his Majesty, the Sum of Two Shillings and Six Pence, for each and every Gallon of Wine, Rum, or other Spirituous Liquors so imported.

III. And be it Enacted, by the Authority aforesaid, That Mr. Caleb Howel be, and is hereby appointed Collector and Receiver, of all the Duties hereby arising; and the Collector of the said Duties, and such as may hereafter be appointed in Virtue of this Act, to collect the same, shall, before he enters on his Office, give Bond, with sufficient Securities, to his Excellency the Governor, and his Successors, at the Court that shall be held for the said County, on the Third Tuesday in January next, in the Sum of One Hundred Pounds, and shall take the following Oath.

I, A. B., do solemnly swear, That I will faithfully, justly and diligently, collect all and every the Duties arising by the Importation of Wine, Rum, and other Spirituous Liquors, into Anson County, from South Carolina. So help me God.

IV. And be it Enacted, by the Authority aforesaid, That on the Death or Removal out of the County, Misbehaviour, or Disability of the Collector of the aforesaid Duties, the Justices of Anson County are hereby empowered to appoint another, who shall enter into Bond, with sufficient Securities as before mentioned, and shall take the same Oath as before recited.

V. And whereas it is necessary, to prevent Frauds, that the Importers of Wine, Rum, and other Spirituous Liquors, imported into Anson County from South Carolina, should declare to the Collector aforesaid, the Quantities by him or them imported:

VI. Be it Enacted, by the Authority aforesaid, That each and every Im-

porter of Wine, Rum, or other Spirituous Liquors as aforesaid, shall before he disposeth of any thereof, give an Account on Oath, to the Collector, what Quantities he or they have, and shall pay the Duties thereon, before the Collector gives him a Certificate to dispose of the same; and in Case any Person or Persons refuse or neglect taking a proper Certificate from the Collector, it shall and may be lawful for the said Collector, and he is hereby impowered, to make Seizure of all such Wine, Rum, or other Spirituous Liquors, imported into Anson County from South Carolina, that hath not paid the Duty before mentioned, and shall make Public Sale thereof to the highest Bidder, after giving Ten Days' public Notice at the Court-House of the said County, and the Money arising by such Seizure, shall be paid to the Justices of the aforesaid County, at the first Court of Quarter Sessions after such Sale is made, and be by them appropriated for the Use of the County.

VII. And be it Enacted, by the Authority aforesaid, That such Sums of Money as may be collected on the Duties hereby arising, shall be Yearly paid by the Collector, (after deducting Ten per Cent. for his Trouble) to the Justices of the aforesaid County, and by them appropriated for contingent Charges of the County.

CHAPTER VII.

An Act to alter the Time for holding the Courts for the County of Craven.

I. Whereas two of the Courts which are held for the County of Craven, in each Year, fall out on the same Days the General Courts of this Province are held at New Bern:

II. Therefore we pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That after the Ratification of this Act, the several County Courts hereafter to be held for the County of Craven, shall be held on the Second Tuesdays in November, February, May, and August, Yearly; and all Continuances and References ordered in the Court held for the said County, on the Third Tuesday in September last, shall be continued over, and all Process, returnable to the Third Tuesday in December next, shall be returned to the Court, to be held for the said County on the second Tuesday in November next, and shall not be Error in the Process or Proceedings aforesaid; any Law, Usage, or Custom to the Contrary thereof, in anywise, notwithstanding.

CHAPTER VIII.

An Act to confirm the Four Lots in New Bern Town, lately conveyed to the Commissioners for the Public Buildings, for the Use of the Public forever.

I. Whereas by an Act of the General Assembly, passed at New Bern, the Seventeenth Day of March, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, intituled, An additional Act, intituled, An Act to fix a Place for the Seat of Government, and for keeping Public Offices, for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein;

John Starkey, Edward Griffith, and Jeremiah Vail, were appointed Commissioners, with full Power and Authority to agree with any Person or Persons, to erect, carry on, and perfect the Public Buildings at the Town of New Bern; which said Commissioners, agreeable to a Resolve of the General Assembly, had, by the said Commissioners for conveying Lots in the Town of New Bern, granted them, their Heirs and Assigns, for the Use of the Public forever, by Deed, bearing Date the Seventeenth Day of April, One Thousand Seven Hundred and Fifty, Four Lots of Land in the said Town, known in the Plan thereof by the Numbers 248, 249, 250, 251; which said Lots, by Reason of the Proviso in the said Deed mentioned, will soon become lapsable, and thereby the Money already Expended towards the Public buildings now begun will be lost, and the good intentions of the said Law defeated: For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of the said Province, and by the Authority of the same, That the said Four Lots of Land in the Town of New Bern, numbered, 248, 249, 250, 251, shall, and they are hereby declared to be saved, for the Use of the Public Forever, for the Purposes aforesaid, by Virtue of the said Deed, in as full and ample Manner, as if the said Commissioners had erected a House on each of the said Lots, of the Quality and Dimensions prescribed by one Act of Assembly, passed at a General Biennial Assembly, held at Edenton, in the Year of our Lord One Thousand Seven Hundred and Twenty Three; and also mentioned in one other Act of Assembly, passed in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled, An Act for the better regulating the Town of New Bern, for fencing the same, and securing the Titles of the several Persons who held Lots in the said Town; any Law, Usage, or Custom to the Contrary, in anywise, notwithstanding.

CHAPTER IX.

An Act to amend and supply the defects of an Act, intituled an Act to appoint Commissioners in the Place and Stead of those deceased, to compleat and finish the Church at New Bern, and for adding the present Church Wardens and Vestrymen to the said Commissioners and for empowering the said Commissioners, Church Wardens and Vestrymen to call the former Commissioners to account, for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purposes aforesaid, and in Case of Insufficiency, to lay a levy to accomplish the same.

I. Whereas by the above recited Act of Assembly, the then present Church Wardens and Vestrymen of the Parish of Christ Church, together with John Fonvielle, Edward Bryan, and Christopher Gregory Hobbs, were appointed Commissioners, in the Room, Place and Stead, of William Wilson, Adam Moore, and George Roberts, deceased Commissioners, appointed by one other Act of Assembly, passed at Edenton the Fourth Day of April, in the Year of Our Lord One Thousand Seven Hundred and Forty One, intituled, An Act to enable the Commissioners therein after appointed, to erect and finish a Church in New Bern, in Craven County and Parish, in the Province aforesaid; and for the better regulating the said Town, and other Purposes therein mentioned:

II. And whereas no Provision is made in the said Act of Assembly, for

supplying Commissioners in the Room of such as should die or remove, nor any Power given to the succeeding Church Wardens and Vestrymen to act agreeable to the Purposes of the said Law; and Edward Bryan, Christopher Gregory Hobbs being now dead, and the Church not compleatly finished: Therefore,

III. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Church Wardens and Vestrymen of the Parish of Christ Church, in the County of Craven for the Time being, or the Majority of them, shall have full Power and Authority, and they are hereby authorized, empowered and required, to call to account, the Commissioners appointed by the said above recited Acts of Assembly, their Heirs, Executors, and Administrators, for all the Monies by them collected and received; or that shall or may be in the Hands of them or any of them, for the Use of the said Church; and also all other Person or Persons who may have any of the said Monies in their Hands; and in Case of Neglect or Refusal of any of the Commissioners, their Heirs, Executors or Administrators, or any other Person or Persons aforesaid, upon Demand of the said Church Wardens and Vestrymen, or the Majority of them, to account and pay down all such Sums of Money, as are remaining due and unpaid in their, or any of their Hands, to the said Church Wardens and Vestrymen for the Time being, or the Majority of them, that then, and in such Case, such Commissioner or Commissioners, or other Persons concerned therein shall forfeit the Sum of Ten Pounds Proclamation Money, and be further liable to an Action at the suit of the said Church Wardens and Vestrymen, for all such Sums as shall appear he or they are so in Arrears: Which said Sum of Ten Pounds, Proclamation Money, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Essoign, Protection, Injunction, or Wager of Law shall be allowed or admitted of, by any Person who shall prosecute or sue for the same; and shall be applied towards finishing, compleating, and building the said Church.

IV. And whereas several of the Inhabitants of Johnston and Craven Counties, have not paid the several Taxes in Virtue of several Acts of Assembly, for and towards building the said Church in New Bern:

V. Therefore be it Enacted, by the Authority aforesaid, That the said Church Wardens and Vestrymen, for the Time being, or the Majority of them, are hereby directed and empowered to issue their Warrant or Warrants, directed to the Sheriff of the respective County, where any Person or Persons being in Arrears for the aforesaid Taxes shall or may reside, to levy so much Money of their several Goods and Chattels, as it shall appear they or any of them are in Arrear; which said Sheriff shall account with, and pay to the said Church Wardens or Vestrymen, or the Majority of them, all such Sums of Money as he shall receive by Virtue of this Act.

VI. And be it Enacted, by the Authority aforesaid, That the Clause in the before recited Act, appointing Commissioners as herein before mentioned, be and is hereby repealed.

CHAPTER X.

An Act to empower the Justices of Johnston County, to divide the same into Districts, and to appoint Commissioners for the Roads.

I. Whereas by an Act of the General Assembly of this Province passed at New Bern, on the Twenty Eighth Day of June, in the Year of Our Lord One Thousand Seven Hundred and Forty Six, intituled, An Act, for erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for building a Court-house, Prison and Stocks in the said County; the County of Craven was divided, and the upper Part of the same erected into a County and Parish by the Name of Johnston County, and Parish of St. Patrick; but no provision being made by the said Act, for making, mending, and repairing the Public Roads in the said County:

II. Wherefore we pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices of the said County, or the Majority of them, are hereby empowered and required, at the next Court, to be held for the said County after the Ratification of this Act, to divide the same into Districts and appoint Commissioners of the Roads.

III. And be it further Enacted, by the Authority aforesaid, That the Commissioners so appointed, shall be invested with the same Powers and Authorities, which are given to the Commissioners by an Act, intituled, An Act for empowering the several Commissioners thereafter named, to make, mend, and repair all Roads, Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts, therein after appointed, in such Manner as they shall judge most useful to the Public.

CHAPTER XI.**An Act to invest the Property of a Bridge in John Peacock, his Heirs and Assigns, (by him already built over Contentney Creek) for the Term of Twenty Five Years.**

I. Whereas a Bridge over Great Contentney Creek, on the main Road, leading from Johnston County to Edgecomb County, is much for the Convenience of Travellers; and Samuel Peacock having already built one on his own Land, at his own Expence, where the main Road crosses the Creek, and Petitioning to be allowed the Privilege of taking and Receiving from Travellers, the usual Rates they were accustomed to pay, when he kept a Ferry there; and to be invested with the sole Property of the said Bridge, for the Space of Twenty Five Years:

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That it shall and may be lawful for the said Samuel Peacock, his Heirs and Assigns, to keep a sufficient Gate on the Bridge built by him, on Great Contentney Creek, where the Road now crosseth the said Creek, leading from Johnston County to Edgecomb County, and take and

receive from all Persons that shall pass over the same, the following Rates; that is to say,

For every Man and Horse, Four Pence.

For every Carriage, drawn by one or two Horses or Oxen, One Shilling.

And for every Horse, Mare, or Ox, Four Pence each.

And for every Head of Neat Cattle, One Penny.

And for every Twenty Hogs or Sheep, One Shilling.

And so in proportion for a greater or lesser number of hogs or sheep; for and during the Space of Twenty Five Years, and no longer.

III. And be it further enacted, That during the Time the Bridge shall be kept in Repair, and fit for Travellers and carriages to pass and repass the same, it shall not be lawful for any Person whatsoever to keep any Ferry, build any Bridge, or set any Person, or Persons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the said Creek, for Fee or Reward, within six Miles of the same, during the Time aforesaid; under the Penalty of Twenty Shillings, Proclamation Money, for each and every offence, to be recovered by the said Samuel Peacock, his Heirs, Executors, Administrators or Assigns, before any Magistrate of the County; to be applied to the Use of the Proprietor of the Bridge built by the said Samuel Peacock; and during the said Time, the Right and Property of the said Bridge is hereby invested in the said Samuel Peacock, his Heirs, Executors, Administrators or Assigns.

CHAPTER XII.

An Act for building a Church in Wilmington, in St. James's Parish, in New-Hanover County.

(Printed in Private Acts, *post.*)

CHAPTER XIII.

An Act to appoint Commissioners to receive, collect, and apply Subscriptions towards building of a Church in the Town of Brunswick, in St. Phillip's Parish, and for other Uses therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER XIV.

An Act to appoint a convenient Place for holding the County Court of Duplin, and to empower the Commissioners therein Named to build a Court-house, Prison, and Stocks in the said County, and for enlarging the Bounds thereof.

(Printed in Private Acts, *post.*)

CHAPTER XV.

An Act to empower the Court of Bladen County, to lay out certain Districts in the Places therein mentioned, and to appoint Commissioners of the Roads for the same.

I. Whereas by an Act, Intituled, An Act for empowering the several Commissioners hereinafter named, and to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out or hereafter to be laid out, in the several Counties and Districts hereinafter appointed, in such Manner,

as they judge most useful to the Public, no Commissioners were appointed for the Southwest Side of the North West Branch of Cape Fear River, above Bartram's Ferry, near Rock Fish Creek, in Bladen County, and from Douglass's Creek upwards, on the North East side of the said River; whereby the Inhabitants of those Parts of the County have not been able to obtain a Road to pass and repass to and from the County Court, and about their lawful Business, to the great Damage of the said Inhabitants: Therefore,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the Justices of Bladen County, at their next Court to be held for the said County after the passing of this Act, shall, and they are hereby impowered, to lay out Districts in the Places before mentioned, and to appoint Commissioners for the same; and the Commissioners so appointed are hereby invested with all the Powers and Authorities, and subjected to all the Duties and Penalties, as any other Commissioners have or ought to have, or are subject to, in and by the before recited Act.

CHAPTER XVI.

An Act to Amend an Act, intituled, An Act for establishing the Church, for appointing Parishes, and the Method of electing Vestries, and for directing the Settlement of Parish Accounts throughout this Province.

I. Whereas the Method of Electing Vestrymen, as prescribed by an Act, intituled, an Act for establishing the Church, for appointing Parishes, and the Method of electing Vestries, and for directing the settlement of Parish Accompts throughout this Government, hath been found inconvenient and detrimental to the several Parishes within this Province; therefore for the better regulation of such Elections for the Future,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That in every Election of Vestrymen hereafter to be made within every Parish within this Province, the Poll shall be taken by Ballot, by the Sheriff of the County, or his Deputy, in the same Manner as the Poll for the electing Members of Assembly, is and ought by law to be taken; any Law, Usage, or Custom, to the Contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, at every Election of Vestrymen as aforesaid, for every Person qualified to Vote by law or ballot for a Member of Assembly for the County, in which he resides, and for no other Person whatsoever to vote as aforesaid, for Vestrymen for the Parish respectively.

VI. And be it further Enacted, by the Authority aforesaid, That no Person Whatsoever, but such as is qualified by Law, to be chosen a Member of the General Assembly for a County of this Province, shall be chosen a Vestryman for the Parish in which he resides.

V. And be it further Enacted, by the Authority aforesaid, That the Electors of Vestrymen, and the Candidates for Vestrymen, and the Sheriff or his Deputy, taking the Poll for Vestrymen, and each and every of them, shall and are hereby impowered and required to proceed by the same Rules,

and shall be subject to the same Duties, and to the same Penalties, as in like Cases they and each of them are by Law subject to, in electing or being elected Members of Assembly, or in taking the Poll for the said Members.

VI. Provided that nothing in this Act shall be construed to debar the Members of his Majesty's Council, or any of them, from electing or being elected Vestrymen for the Parish in which they reside.

VII. And be it further Enacted, by authority aforesaid, That every Clause of the before-recited Act, which is hereby altered, and comes within the Purview of this Act, be, and is hereby repealed and declared null and void.

Signed by

GABRIEL JOHNSTON, ESQ., Governor,
Matthew Rowan, President,
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1752.

At a General Assembly, held at Bath Town the Thirty first Day of March, in the Year of our Lord One Thousand Seven Hundred and Fifty Two. *Gabriel Johnston, Esq.*, Governor.

CHAPTER I.

An Act for Licensing Traders, Peddlers, and Petty Chapmen, and granting to his Majesty an Impost or Duty on Goods, Wares, and Merchandize, to raise Supplies for defraying the necessary Charges of Government.

I. Whereas there are a great many Peddlers, Petty Chapmen, and other Trading Persons, who sell and dispose of Goods, Wares and Merchandize within this Government, who pay no Tax towards the necessary Support thereof, but depart out of the Province so soon as they have sold and disposed of the same, whereby the honest Planters of the Country are burthened with the Payment of all Taxes to support the Public Faith: Wherefore,

We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council and the General Assembly of this Province, That from and after the First Day of August next, after the passing of this Act, every Trader, Peddler or Petty Chapman, keeper of a Shop or Store in any County of this Province, or carrying Goods, Wares, or Merchandize, either by Water on Vessels, Pettiaguas, or Boats, or by Land, in Waggon, Carts, or other Carriages, or on Horses, to offer for sale, or to dispose of such Goods, Wares, and Merchandize, (except such Traders who have been settled in some Town of this Province for the Term of Seven Years, or hath a Wife or Children, and hath been settled in the Province for the Term of Three Years, or whose Family consist of Twenty Taxables, Traders, or Merchants, who import Goods, Wares, or Merchandize directly from Great Britain) shall be liable to, and conform him, her, or themselves to the Rules and Regulations herein after mentioned; that is to say, every Trader or Master of any Vessel using Trade, Peddlers or Petty Chapmen, bringing Goods, Wares or Merchandize, either by Water or Land, into this Province, to offer for Sale, in Order to dispose thereof, within Two Days after his Arrival or the Arrival of such Goods, Wares and Merchandize, before he disposes of any such Goods, Wares and Merchandize shall repair to some Justice of the Peace living in the neighbourhood, and deliver in, upon Oath to be taken before the said Justice, an Account of the total Prime Cost of all such Goods, Wares, and Merchandize by him brought or imported into this Government; and thereupon the said Justice of the Peace shall give unto the said Trader, Master of a Vessel, Peddler or Petty Chapman, a Certificate, signed by such Justice, certifying the Sum total of the Value of such Goods, Wares, and Merchandize contained in the Account delivered, and sworn to by such Trader, Master of a Vessel, Peddler or Petty Chapman, directed to the Clerk of the County Court, who is hereby authorized and impowered, in behalf of his Excellency the Governor, annually to make out and sign a Licence, as Clerk of the Court for the said County where such Licence is granted; by Virtue whereof every Trader, or

Master of a Vessel, Peddler or Petty Chapman, after executing such Bond as is herein after mentioned, may sell and dispose of his Goods, Wares, and Merchandize, strictly observing and performing the Rules and Regulations mentioned and intended by this Act; and it shall and may be lawful for every Justice of the Peace, to take and receive for administering the Oath, and granting such Certificate as aforesaid, Two Shillings and Eight Pence, Proclamation Money; and for every Clerk of the County Court to take and receive for the Governor for such Licence, Twenty Shillings, Proclamation Money; and the said Clerk may take and receive to himself, for making out such Licence and Bond, Five Shillings, Proclamation Money.

III. And be it further Enacted, by the Authority aforesaid, That every Trader or Master of any Vessel, using Trade, Peddler, or Petty Chapman, not herein before excepted, having obtained a Licence to trade as aforesaid, shall, twice in every Year, answer and pay unto his Majesty, his Heirs, and Successors, an impost or Duty of Two per Centum, upon all Goods, Wares, and Merchandize, (Salt and Spirituous Liquors excepted) by him, them or any of them to be hereafter sold and disposed of, as in and by this Act is directed and appointed, to be accounted for upon Oath, and paid into the Hands of the several Persons herein after appointed to receive the same, and to be paid at the several Times and Places herein specified; and for the Payment of which, every Trader, Peddler, or Petty Chapman, shall give Security by Bond, with one or more sufficient Securities, to be taken in his Majesty's Name, for the True Payment of the said Impost or Duty.

IV. And be it further Enacted, by the Authority aforesaid, That if any Trader, Peddler, or Petty Chapman, from and after the first Day of August next, be found trading as aforesaid without a Licence, and not having given Bond as aforesaid, such Person shall forfeit and pay, for each and every such Offence, Fifty Pounds, Proclamation Money; to be recovered by any Person that will sue for the same, in the General Court of this Province, by Bill, Complaint, or Information; Wherein no Essoign, Injunction, or Wager of Law shall be allowed of or admitted; One Half thereof to the Prescutor, the other Half to the Poor of the Parish wherein such Offender shall be discovered: And that every Person so trading, upon Demand made by any Justice of the Peace, Sheriff, Constable, or any Custom-house Officer, where he or she shall so trade, and shall refuse to shew to such Justice of the Peace, Sheriff, Constable, or Custom-house Officer, his or her Licence, to be granted as aforesaid, that then the Person so refusing, shall forfeit and pay Fifty Pounds, Proclamation Money, to be recovered as aforesaid, by any Person, who will sue for the same, to be applied as aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That every Merchant, Trader or other Person, importing or bringing into this Province, after the first Day of August, either by Land or Water, from any Port or Place (Great Britain excepted) any Quantity of Wine or distilled Liquors, exceeding Two Gallons of Wine, or two Gallons of Rum, (Ship Stores excepted,) shall pay, or cause to be paid, to the several and respective Collectors and Receivers hereinafter appointed, the Impost or Duty of Four Pence, Proclamation Money for each Gallon of Wine or distilled Liquors so imported.

VI. And be it further Enacted, That from and after the First Day of August next, every Person importing or bringing into this Government, any Quantity of Wine or distilled Liquors, over and above the Quantities above mentioned before such Person or Persons shall open or expose any of the said Liquors to Sale, he or they shall report the same to the Person or Persons herein appointed to receive the said Impost or Duty, laid upon such

Liquors by Virtue of this Act, and deliver unto him a Manifest, shewing the Quantity of Gallons of such Liquor, duly sworn to and attested by the said Importer bringing in the same into this Government; and shall give Security, by Bond with one or more sufficient Securities, to be taken in his Majesty's Name, for the true Payment of the said Impost or Duty, within Six Months after the execution of such Bond, or deposit a sufficient Quantity of such Liquors with the said Collector or Receiver, as will fully discharge and pay the said Impost or Duty.

VII. And be it further Enacted, by the Authority aforesaid, That the Collector of Currituck County, is hereby appointed Receiver, and shall Receive the Impost or Duty to be paid and received on all the Goods, Wares, and Merchandize, Wine and distilled Liquors, to be imported and brought into the said Port or County; and that Mr. William Swann, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Pasquotank; and that Mr. Samuel Swann, of Perquimons County, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Perquimons; and that the Collector of Port Roanoke, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Chowan; and that Mr. Edmund Smithwick, be and is hereby appointed Receiver of the Impost or Duty aforesaid in the County of Tyrrell; and that Mr. Thomas Whitmell, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Bertie; and that Mr. John Edwards, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Northampton; and that Mr. Mountfort Eelbeck, be and is hereby appointed Receiver of the Impost or Duty aforesaid, for the County of Edgecomb; and that Mr. John Thornton, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Granville; and that Mr. Samuel Sinclair, be and is hereby appointed Receiver of the Impost or Duty in the County of Hyde; and that the Collector of Port-Bath, be and is hereby appointed Receiver of the Impost or Duty for the County of Beaufort; and that Mr. Jeremiah Vail, be and is hereby appointed Receiver of the Impost or Duty aforesaid in the County of Craven; and that the Collector of Port Beaufort, be and is hereby appointed Receiver of the Impost or Duty aforesaid in the County of Carteret; and that Mr. John Spooner, be and is hereby appointed Receiver of the Impost or Duty aforesaid in Onslow County; and that the Collector of Port Brunswick, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of New Hanover; and that Mr. Ralph Millar, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Bladen; and that Mr. Phillip Trapnall, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Johnston; and that Mr. Caleb Howell, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Anson; and that Mr. William Houston, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Duplin; and that Mr. James Watson, be and is hereby appointed Receiver of the Impost or Duty aforesaid, in the County of Orange.

VIII. And be it further Enacted, by the Authority aforesaid, That the several and respective Collectors and Receivers of the several and respective Ports and Counties, shall annually, account upon Oath, with the Public Treasurers of this Province, in their several and respective Districts; and for receiving the aforesaid Imposts or Duties, and fully accounting for and paying the same, shall be allowed Five per Cent.

IX. And be it further Enacted, That the Justices of the Peace in each and every County within this Government, before whom Traders, Peddlers, or Petty Chapmen are enjoined by this Act to swear to the true Value of all their Goods, Wares, or Merchandize as aforesaid, are required to transmit or deliver to the Collector or Receiver of the said Impost or Duty, such Account or Copies thereof within Ten Days after such Account hath been sworn to, the better to enable and inform such Collector or Receiver, how much the said impost or Duty may amount to; and also, that the several Collectors and Receivers appointed in the several Ports and Counties to receive such Impost or Duty, shall produce such Accounts, or the Copies of them received, to the respective Treasurers, with whom they settle their Accounts respectively.

X. And be it further Enacted, by the Authority aforesaid, That every Collector of the aforesaid Ports, and every Receiver in the aforesaid several Counties, shall, before he enters upon the Execution of his Office, give Bond with sufficient Security to our Sovereign Lord the King, in the Sum of Two Hundred Pounds, Proclamation Money, with Condition, That he will honestly, faithfully, and justly, execute the Office of a Receiver of the Impost or Duty aforesaid, and will fully account for and pay all such Sum or Sums of Money by him to be received and accounted for: Which Bond or Bonds to be given as aforesaid shall be drawn, taken and acknowledged, by and before the several and respective County Clerks within this Province; for which they shall be allowed and paid by such Collector or Receiver, Two Shillings and Eight Pence, Proclamation Money.

XI. And be it further Enacted, by the Authority aforesaid, That if any of the aforesaid Collectors or Receivers, appointed, or to be hereafter appointed, in Virtue of this Act, Die, remove, refuse to Act, or neglect their Duty, his Excellency, the Governor, shall appoint others in his or their stead or Place or Places, who shall give Security, in the like Sum, and in the same Manner, as the other Collectors and Receivers are herein required and directed.

XII. And be it further Enacted, by the Authority aforesaid, That if any Magistrate, Collector or Receiver, appointed to receive the said Impost or Duty, shall take, receive, or accept of any Bribe, Reward, or Recompence, or connive at any false Account or Manifest not duly sworn to and attested as in and by this Act is directed. or knowingly permit, or suffer any Concealment of any of the aforesaid Goods, Wares, and Merchandize, liable to and chargeable with the aforesaid Impost and Duty, shall, for every such Offence, forfeit and pay Fifty Pounds, Proclamation Money; to be recovered by any Person that will sue for the same, in the General Court of this Province; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted: One Half thereof to the Prosecutor, and the other Half to defray the necessary Charges of this Government.

XIII. And be it further Enacted, by the Authority aforesaid, That all and every the Sums of Money arising by the Impost of Duty in Virtue of this Act, shall, from Time to Time, be applied for and towards the necessary Charges of Government, by the Governor, Council, and General Assembly of this Province, and by none other Authority whatsoever.

XV. And be it further Enacted, by the Authority aforesaid, That the Act intituled, An Act for granting to his Majesty a Duty on the Importation of Rum and Wine into Anson County from South Carolina, be, and is hereby repealed, to all Intents and Purposes whatsoever, as if the same had never been made.

XVI. And be it further Enacted, That this Act shall be and remain in Force for Three Years only, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER II.

An Act for facilitating the Navigation of Port-Bath, Port-Roanoke, and Port-Beaufort.

I. Whereas considerable Injuries have frequently happened to divers Merchants who have sent their Ships and Vessels to Bath, Edenton, and New Bern, by Reason of the Badness of the Channels leading to the said Places, the Insufficiency and Neglect of Pilots, the Want of Staking out the said Channels, and making the Navigation more easy; whereby the Trade of those Parts of the Province is greatly impaired: For Remedy whereof,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That Mr. Michael Coutanch, Mr. Samuel Sinclare, and Mr. James Calf, be, and are hereby appointed Commissioners for Port-Bath; The Honourable Francis Corbin, Mr. John Campbell, Mr. Joseph Blount, Mr. James Trotter, and Mr. James Turnbull be, and are hereby appointed Commissioners for Port Roanoke; and Mr. John Williams, Mr. John Clitheral, and Mr. Joseph Balch, be, and are hereby appointed Commissioners for Port Beaufort; to contract with proper Persons, to examine, from Time to Time, the situation of the Swatch, and to keep the same and all other Channels, leading from Ocracock Bar to Bath, Edenton, and New Bern, well and sufficiently Staked out, and to erect Beacons at Ocracock, Beacon Island, Core Banks, and all such other Places as the said Commissioners shall think most convenient for the safety of Vessels.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said Commissioners shall, once every Year, meet at Bath-Town, to examine into the Conduct of the Persons by them employed; and to appoint one or more of their Number to go to Ocracock, to see that the said Channels are staked, and the Beacons kept up.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, in each respective Port, shall have full Power and Authority, to examine Pilots touching their qualification, and upon their Approbation to grant them a Certificate or Certificates, to be produced to his Excellency the Governor, in Order to obtain his Warrant to pilot Vessels in all or any of the respective Ports aforesaid; and in case any Person shall pretend to pilot or take Charge of any Ship or Vessel, without having passed an Examination as aforesaid, and obtained a Warrant for so doing, he shall forfeit and pay for each and every Offence, the Sum of Ten Pounds, Proclamation Money; to be recovered in any Court of Record in this Province, by Bill, Complaint, or Information; one Third to the Informer, and the other Two Thirds to the Commissioners to be by them applied towards the Staking out the Channels as aforesaid.

V. And be it further Enacted by the Authority aforesaid, That there shall be allowed and paid to every Pilot who shall take charge of any Vessel, the following Pilotage; that is to say,

For every Ship or Vessel, from outside the Bar into Beacon-Island Road,

Two Shillings Proclamation Money, per Foot, for every Vessel that draws Eight Feet Water, or less.

And for every Vessel that draws more than Eight feet Water, Two Shillings, and Six Pence, Proclamation Money, per Foot.

And that the same Wages be allowed to Pilots, for Pilotage outwards as inwards.

And for every Vessel, from Beacon Island Road, that draws Six Feet Water, or less, to Bath-Town, Thirty-Six Shillings, Proclamation Money; and for every Vessel that draws above Six Feet, Six Shillings Proclamation Money, per Foot.

And for every Vessel, from Beacon Island Road, that draws Six Feet Water, or less to Edenton, Three Pounds Twelve Shillings, Proclamation Money; and for every Vessel that draws above Six Feet, Twelve Shillings, Proclamation Money, per Foot.

And for ever Vessel, from Beacon Island Road, that draws Six Feet Water, or less to New Bern, Thirty Six Shillings, Proclamation Money; and for every Vessel that draws above Six Feet, Six Shillings, Proclamation Money, per Foot.

And any Pilot appointed as is herein before mentioned, who shall demand or exact any greater Wages than is by this Act directed and appointed, shall forfeit and pay Ten Pounds, Proclamation Money; to be recovered, by Action of Debt, Bill, Plaint, or Information by any Person that will sue for the same, in any Court of Record in this Province; wherein no Essoign, Imparlance, Injunction, or Wager of Law, shall be admitted or allowed of: Provided, that the said suit is brought or prosecuted within One Year after such Demand or Exaction made, and not afterwards.

VI. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, after the said Channels are Beaconsed, Staked, and Marked out, as aforesaid, shall cause Draughts thereof to be made, and shall also Publish the same in the Gazette, with the several Courses from the Bar, up to Edenton, Bath, and New Bern, and the Bearings and Distances of all Beacon or Land Marks, erected in consequence of this Act.

VII. And be it Enacted, by the Authority aforesaid, That for defraying the necessary Expence that may or shall arise, by the Execution of this Act, the following Tax shall be laid on all Ships and Vessels hereafter entering in the Ports aforesaid, and that shall come over Ocracock Bar; that is to say,

On each Vessel of less Burthen than Fifty Tons, Twenty Shillings, Proclamation Money: And on each Vessel of Fifty Tons Burthen, and less than One Hundred Tons, Thirty Shillings, Proclamation Money: And on each Vessel of One Hundred Tons, or Upwards, Forty Shillings, Proclamation Money. Which Tax payable for such Vessels as hereafter shall come over Ocracock Bar, and enter the Ports aforesaid, or either of them, shall be received by the Collectors of the aforesaid respective Ports.

VIII. And be it further Enacted, by the Authority aforesaid, That each of the said Collectors herein appointed for the several Ports aforesaid, shall, before he enters on the said Office, give Security, in the Sum of Three Hundred Pounds, Proclamation Money, to the Commissioners herein appointed for each of the said Ports respectively, for the due Performance of the Trust reposed in him, and for his accounting with and paying to the said Commissioners, as often as required, all such Sum or Sums of Money as shall be, from Time to Time, by him received: And if either of the said Collectors shall refuse to give such Security, It is hereby Enacted, by the Authority aforesaid, That the said Commissioners of that Port shall and may appoint another Receiver or Receivers, in his or their Place and Stead; who shall have full

Power and Authority to receive the said Tax, giving such Security to the Commissioners of the Port where he is so appointed.

IX. And be it further Enacted, by the Authority aforesaid, That each Receiver shall, in his Port, have full Power and Authority, to go on board any Vessel, in order to measure and ascertain the Burthen of such Vessel; and shall likewise have full Power and Authority to examine, on Oath, the Master of any Vessel, for that Purpose.

X. And be it further Enacted, by the Authority aforesaid, That every Collector or Receiver shall, for his Trouble, in receiving and paying the Tax aforesaid, be allowed Five per Cent. on what Money he shall so receive and pay to the Commissioners aforesaid Respectively.

XI. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, no Collector of either of the said Ports, shall Clear out any Vessel, 'til the Master shall have produced to him a Certificate from the Receiver of the said Tax, of his having paid the same, under the Penalty of Twenty Pounds, Proclamation Money; to be recovered, in any Court of Record within this Province, by Bill, Complaint, or Information; wherein no Essoign, Imparlance, Injunction, or Wager of Law, shall be allowed or admitted, by any Person who will sue for the same: One half to the Prosecutor, the other to the Commissioners; to be by them applied to the Uses intended by this Act.

XII. And be it further Enacted, by the Authority aforesaid, That the Expence of setting up Beacons at Ocracock, Beacon Island, and Core Banks, and the Staking out the Swatch, shall be Discharged by the Commissioners hereby appointed for the several Ports, in the Proportion following; that is to say, The Commissioners for Port Roanoke, shall pay Two Fifths of the said Charge and Expence; and the Commissioners for the said Port of Bath, and for the Port of Beaufort, shall pay, jointly, the other Three Fifths of the said Charge and Expence, out of the Monies by them received; and the Expence of Staking out the other Channels leading to each of the said Ports, shall be severally paid by the Commissioners of each respective Port to which the said Channels lead.

XIII. And be it further Enacted, by the Authority aforesaid, That upon the Death, Removal, or Refusal of any of the said Commissioners or Receivers to act, the remaining Commissioners of each respective Port, shall and may choose and appoint another Commissioner or Receiver in the said Port, in the Room of such Commissioner or Receiver so dying, removing, or refusing to act.

XIV. And be it further Enacted, by the Authority aforesaid, That no Master or other Person, belonging to any Vessel trading to this Government, shall cast or throw overboard, into any Channel within the said Ports, any Stones or other Ballast whatsoever, under the Penalty of Twenty Pounds, Proclamation Money, for every such Offence; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Government; wherein no Essoign, Injunction, or Wager of Law, shall be allowed: And if any Person or Persons, shall wilfully pull down, remove, or destroy any Beacon, Stake, or other Marks erected or placed in Virtue of this Act he or they shall, for every such Offence, forfeit and pay One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Complaint, or Information, in the General Court of this Province, by any Person that shall or will sue for the same: One Half to the Prosecutor, and the other Half to the said Commissioners, to be applied to the Uses aforesaid.

XV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, as often as they are required, shall account with the General

Assembly, for such Money as shall be by them, from Time to Time, respectively received; and shall have such Allowance for their Expence as shall appear Reasonable.

XVI. And whereas it will be a considerable Time, before a sufficient Sum to defray the Charges aforesaid is collected and received by this Tax; whereby the Staking out the Channels and Erecting Beacons will be much delayed: Be it therefore Enacted, by the Authority aforesaid, That the Commissioners of the several and respective Ports, shall have full Power and Authority to take up, on Loan, or at Interest, any Sum, not exceeding One Hundred Pounds, Proclamation Money, in each of the said Ports, in order to enable them to have the said Channels Staked, and Beacons erected, as aforesaid, as soon as possible.

XVII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in force for and during the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER III.

An Act for appointing a Treasurer for the Counties of Currituck, Pasquotank, Perquimons, Chowan, Tyrrell, Bertie, Edgecomb, Northampton, and Granville; and for continuing an Act, intituled, An Act to appoint a Public Treasurer in the Room of Eleazer Allen, Esq., Deceased.

I. Whereas by an Act, intituled, An Act to appoint Public Treasurers, passed at New Bern, the Sixth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, it was, among other Things, Enacted, That the said Act should continue and be in Force for the Term of Four Years, and from thence to the End of the next Session of Assembly, and no longer, and as the said Act is just Expiring,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That Mr. John Haywood be, and he is hereby appointed, Public Treasurer for the Counties of Currituck, Pasquotank, Perquimons, Chowan, Tyrrell, Bertie, Edgecomb, Northampton, and Granville, in the Room and Stead of Mr. Thomas Barker, who has resigned the said Office: Which said Treasurer shall before he enters upon his Office, give Bond, with sufficient Sureties, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, lawful Money of Great Britain, for the faithful discharge of his said Office: Which Bond shall be lodged in the Secretary's Office.

III. And be it further Enacted, by the Authority aforesaid, That the Sheriff, County Treasurers, and all other Persons, concerned, or who have been concerned, in the Collecting and Receiving any Public Money, within the respective Counties of Currituck, Pasquotank, Perquimons, Chowan, Tyrrell, Bertie, Edgecomb, Northampton, and Granville who have not already accounted for and paid the same to Mr. Thomas Barker, or to the Committee of Accounts of both Houses, shall, upon Oath, account for and pay to the said John Haywood, all the Monies by them respectively received, or which by Law they ought to have received, and are accountable for; under the Penalty of Twenty Pounds, Proclamation Money.

IV. And be it further Enacted, by the Authority aforesaid, That all and every Sheriff and other Persons, who shall be concerned in the Collecting

and receiving the Public Monies hereafter to be Collected and received, within the several Counties above-mentioned, shall, Annually, account for, upon Oath, and pay the same to the Public Treasurer aforesaid, at the Courts of Assize held at Edenton and Edgecomb, in the Month of October; under the Penalty of Twenty Pounds, Proclamation Money.

V. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurer is hereby authorized, impowered, and required, to sue and prosecute all such Sheriffs, County Treasurers, or other Accountants, their Heirs, Executors, or Administrators, or other Persons, who have heretofore been, or who shall hereafter be concerned in the Collecting or Receiving the Public Money, or who have, or shall, at any Time hereafter, have any of the said Money in their Hands, within any of the said Counties, and shall neglect or refuse to account for and pay the same; and also on the several Bonds already given, or hereafter to be given, by each and every of the said Sheriffs of the said Counties, County Treasurers, or other Persons, in any of the said respective Counties, for the due and faithful Performance of their several Offices and Duties: And the Clerks of the several County Courts, and every other Person or Persons, having such Bond or Bonds, Account or Accounts, or other Papers, in his, her, or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer aforesaid, of such County where the said Bond or Bonds was or were given, or Accounts or other Papers lodged, when he shall demand the same.

VI. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurer shall, from Time to Time, as often as he is required, upon Oath, account for and pay, to the General Assembly, all such Sums of Money which he shall receive by Virtue of this Act; for which Trouble, he shall be allowed Five per Cent. on all Monies by him received and paid into the Assembly, (except such Monies as he shall receive from Mr. Thomas Barker, late Treasurer) and may deduct the same accordingly.

VII. And be it Enacted, by the Authority aforesaid, That all the Penalties in this Act before-mentioned, shall be sued for and recovered in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of: Two Thirds whereof to his Majesty, to be applied for the Use of the Public, and the other Third to the Treasurer aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That if the said Public Treasurer shall neglect or refuse to account for and pay to the General Assembly, all such Sums of Money which he shall receive by Virtue of this Act, he shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money, for each Neglect or Refusal; to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, by him or them that shall or will sue for the same; wherein no Essoign, Injunction, or Wager of Law shall be allowed or admitted of: Two Thirds whereof to his Majesty, to be applied for the Use of the Public, and the other Third Part to the Prosecutor.

IX. And whereas by An Act, intituled, An Act to appoint a Public Treasurer, in the Room of Eleazer Allen, Esq., deceased, passed the Fifth Day of July, in the Year of our Lord One Thousand Seven Hundred and Fifty, it was, amongst other Things, Enacted, That the said Act should continue in Force for Three Years, next, after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer; and as many inconveniences may arise by the Shortness of the said Time, Be it Enacted, by the Authority aforesaid, That the said Act shall be continued in full

Force for and during the Space and Term of Three Years, from the passing hereof, and from thence to the End of the next Session of Assembly, and no longer, any Thing in the before recited Act to the contrary, notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That this Act shall continue in full Force for and during the Space and Term of Three Years, from the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IV.

An Act to amend and extend an Act, to appoint inspectors in New-Hanover County, and for regulating the Exports of Cape-Fear.

I. Whereas by an Act of Assembly of this Province, passed in the Year of our Lord One Thousand Seven Hundred and Fifty One, intituled, An Act to appoint Inspectors in New Hanover County, and for regulating the Exports at Cape-Fear, it is, amongst other Things, Enacted, That each Barrel of Pitch or Turpentine shall weigh Three Hundred and Twenty Two Pounds, with the Cask; and whereas several inconveniences have arisen, and may arise, by ascertaining the Weight of each Barrel as aforesaid: For Remedy whereof,

II. Be it Enacted, by his Excellency, Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the passing of this Act, every Barrel of Pitch or Turpentine which shall, by Virtue of this Act, be tendered for Inspection, shall, before it be branded by the Inspector, be weighed in the Inspectors Presence; and every Three Hundred and Twenty Two Pounds Weight, with the Cask, of Pitch or Turpentine, shall be accounted a Barrel of Pitch or Turpentine, and so in proportion; any Thing in the before recited Act to the contrary, notwithstanding: And the Weight of each Barrel of Pitch or Turpentine, shall, by the Inspector, be marked on the Head thereof, with a Marking-Iron.

III. And be it further Enacted, by the Authority aforesaid, That if any Person shall forge or counterfeit any Inspector's Brand on any Cask or Barrel, which, by Virtue of this Act, and the before recited Act, ought to be branded by the Inspector, or shall tender in Payment, or deliver for Exportation, any Cask or Barrel with a forged or counterfeited Brand, knowing the same to be forged or counterfeited, every Person so offending, and being thereof convicted, shall forfeit the Sum of Ten Pounds, Proclamation Money, and also every Cask, containing any of the aforesaid Commodities, so tendered in Payment or delivered; to be recovered by him or them that shall sue for the same, in any Court of Record in this Province, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted: One half to the Prosecutor, the other half to the Church Wardens, for the Use of the Parish where the Offence shall be committed.

IV. And whereas the Fee allowed to the Inspector for inspecting each Barrel of Beef, Pork, and Rice, Pitch, and Turpentine, is found not adequate for his Trouble in inspecting the same; Be it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful for every Inspector to have and receive, for his Fee, for inspecting and branding each Barrel of Beef, Pork, and Rice, Six Pence; and for branding and marking each Barrel

of Pitch and Turpentine, Two Pence, Proclamation Money, and no more: Any Thing in the above recited Act to the contrary, notwithstanding.

V. And whereas the Inhabitants and Traders in the Ports of Bath and Beaufort, in order to encourage the Trade thereof, are desirous that the Exports of those Ports may be under the like Regulations as the Exports of Cape-Fear: Be it therefore Enacted, by the Authority aforesaid, That from and after the Twenty Ninth Day of September, next after the passing of this Act, the several Goods and Commodities shipped for Exportation out of the said Ports, and the Branches thereof, shall pass the like Inspection and Regulation, as the like Goods and Commodities pass, in Virtue of an Act, intituled, an Act to appoint Inspectors in New Hanover County, and for regulating the Exports at Cape Fear.

VI. And be it further Enacted, by the Authority aforesaid, That Mr. John Spooner, be and is hereby appointed Inspector of Bogue Inlet, and the other Inlets in Onslow County: And that Mr. Joseph Bell, be, and is hereby appointed Inspector of Core-Sound, in Carteret County: And that Mr. Jeremiah Vail, be, and is hereby appointed Inspector of Neuse River, in Craven County: And that Mr. Walley Chauncey, be, and is hereby appointed Inspector of Beaufort County, in the Port of Bath: And that Mr. Samuel Sinclair, be and is hereby appointed Inspector of Hyde County, in the Port aforesaid, And that each and every of the said Inspectors shall, before he enters on his said office, give Bond, and make Oath, in the Court of the County where he is to officiate, in the same Manner as the Inspectors at Cape-Fear are by Law required to do.

VII. And be it further Enacted, by the Authority aforesaid, That each and every Inspector so qualified, shall have and enjoy the like Powers and Authorities and be under the same Rules and Regulations, and be liable to like Fines and Penalties, and intituled to the like Fees and Rewards, in the Execution of their respective Offices, as any Inspector at Cape Fear has, or ought to have, by Virtue of the aforesaid Act, To appoint Inspectors in New-Hanover County, and for regulating the Exports at Cape-Fear.

VIII. And be it further Enacted, by the Authority aforesaid, That the Collector of Port Beaufort, and the Collector of Port Bath, in their several Ports, shall conform themselves to the like Rules in Clearing out Vessels in their several Ports, and be intituled to take and receive for their Fees, and be liable to the like Forfeitures, as the Collector of Port Brunswick now is, for Vessels cleared out of his Port, by Virtue of the before recited Act.

IX. And be it further Enacted, by the Authority aforesaid, That the several County Courts, and Justices of the Peace, where each of the above Inspectors may officiate, shall have the same Powers and Authorities in their several Counties, in putting this Act in Execution, as the County Court and Justices of New Hanover have or ought by Law to have.

CHAPTER V.

An Act to amend an Act for regulating the Pilotage of Cape-Fear River and to impower the Captain of Fort Johnston, at the Mouth of the said River, to examine all Vessels entering the said River, concerning the Health of their Crews on Board the said Vessels.

I. Whereas in the before recited Act, the Fees allowed the Pilots of Cape-Fear, are too small:

II. We therefore pray that it may be Enacted, and be it Enacted, by his

Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Pilots at Cape Fear, to take, for piloting every Vessel over the Bar up to Brunswick, the Rates, in Proclamation Money, according to the following Table; any Thing in the before recited Act to the contrary, notwithstanding, viz.:

For every Vessel drawing Six Feet of Water, or less, Twelve shillings and Nine Pence.

For every Vessel drawing seven feet of Water, Seventeen Shillings and Six Pence.

For every Vessel drawing Eight Feet of Water, Twenty Two Shillings and Six Pence.

For every Vessel drawing Nine Feet of Water, Twenty Seven Shillings and Six Pence.

For every Vessel drawing Ten Feet of Water, Thirty Shillings.

For every Vessel drawing Eleven Feet of Water, Thirty Five Shillings.

For every Vessel drawing Twelve Feet of Water, Forty Shillings.

For every Vessel drawing Twelve Feet and a half of Water, Forty Fiye Shillings.

For every Vessel drawing Thirteen Feet of Water, Fifty Shillings.

For every Vessel drawing Thirteen Feet and a half of Water, Fifty Five Shillings.

For every Vessel drawing Fourteen Feet of Water, Three Pounds.

For every Vessel drawing Fourteen Feet and a half of Water, Three Pounds and Five Shillings.

For every Vessel drawing Fifteen Feet of Water, Three Pounds and Ten Shillings.

For every Vessel drawing Sixteen Feet of Water, Four Pounds Ten Shillings.

For every Vessel drawing Seventeen Feet of Water, Five Pounds Five Shillings.

And for Piloting a Vessel from Brunswick up to the Great Island, one Third Part of the above Rates, according to the Draught of Water of such Vessel respectively; and from the said Great Island, over the Flats up to Wilmington, one other Third Part of the said Rates as aforesaid; and for piloting each Vessel outward bound, the like Rates shall and may be taken, for the like Distances and Draughts of Water respectively, as are herein before ascertained for Vessels inward bound.

III. And be it further Enacted, by the Authority aforesaid, That no Pilot shall presume to take greater Fees than the aforesaid, under the Penalty mentioned in the before recited Act; to be recovered and applied as is there directed.

IV. And whereas, in the before recited Act, it was Enacted, That if any Vessel should come over the Bar before a Pilot gets on board the same, such Vessel shall not be liable to pay above one half Pilotage which is found to be of very bad Consequence, Be it therefore Enacted, by the Authority aforesaid, That if any Pilot shall use his utmost Endeavours and Skill, to get on board a Vessel before she comes over the Bar, he shall be intituled to his whole Fees; any Thing in the before-recited Act to the contrary, notwithstanding.

V. And whereas it has been frequently the Custom of Masters of Vessels or others to send for a Pilot to carry down a Vessel before they were ready

to go down; Be it therefore Enacted, by the Authority aforesaid, That such Masters of Vessels or others, shall maintain such Pilot at his own Expence and Charge, until he be ready.

VI. And be it further Enacted, by the Authority aforesaid, That each and every Clause in the before-recited Act, within the Purview of this Act, is hereby repealed, and declared null and void, to all Intents and Purposes, as if the same had never been made.

CHAPTER VI.

An Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish of St. Matthew, and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned.

I. Whereas the Counties of Johnston, Granville, and Bladen, are now become so very extensive, that many of the Inhabitants thereof live very remote from the Places where the Courts of the said Counties are held; whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their Ordinary Business in the said Courts, but as also by being compelled to serve as Jurymen, and often Times as Evidences, at the said Courts: for Remedy Whereof,

II. We pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the upper Part of Granville, Johnston, and Bladen Counties, be erected into a County and Parish by the Name of Orange County, and the Parish of St. Matthew, and be divided by a Line, beginning on the nearest Part of the Virginia Line to Hico Creek, thence a direct line to the Bent of Eno River, below the Occanechas, near to the Plantation where John Williams now dwelleth; thence down the South side of Eno River, to Neuse River; thence down Neuse River, to the Mouth of Horse Creek; thence a direct line to the Place where Earl Granville's Line crosses Cape Fear River; thence along the said Line, to the Eastern Bounds of Anson County; thence along the dividing Line of Anson County to the End thereof: And that the upper Parts of the said Counties be divided and run accordingly, by the Commissioners hereinafter appointed: And that the said County and Parish shall enjoy all and every the Privileges which any other County or Parish in this Province holds or enjoys.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, for the Justices of the said County, to lay a Tax on all the Tithables in the said County, not exceeding One Shilling, Proclamation Money, per Annum, for the Term of Four Years, for running the Boundary Lines, and for building a Court-house, Prison, and Stocks, in the said County, at such Places as the Justices shall agree upon and appoint at the County Court to be held at the House of John Greys, on the Second Tuesday in June next, after the passing of this Act, or the then next succeeding Court; and shall further divide the said County into Districts, and shall appoint Commissioners of the Roads for the same; Which said Tax shall be collected by the Sheriff of the said County, at such Times, and in the same Manner, as other Taxes are collected.

IV. And be it further Enacted by the Authority aforesaid, That the

Courts of the said County shall be held on the second Tuesdays in June, September, December, and March, Yearly.

V. And be it further Enacted, That Alexander Maben, be, and is hereby appointed Sheriff of the said County of Orange, until the Time prescribed by Law for appointing Sheriffs for this Province; and shall be commissioned by his Excellency the Governor, and vested with the same Powers and Authorities as any other Sheriff of any other County in this Province is vested with.

VI. And be it further Enacted, by the Authority aforesaid, That Alexander Maben, James Watson, Mark Morgan, John Pattison, Andrew Mitchell, Thomas Loveletter, Lawrence Bankston, James Ellison, William Bolling, John Gray, John Pitman, and Joseph Tate, be, and they are hereby appointed Vestrymen of the said Parish of St. Matthew, until the General Election of Vestrymen according to Law, and that the said Vestrymen shall be summoned, by the Sheriff of the said County to meet at such Time and Place, as the Majority of the said Vestrymen shall appoint; and shall be qualified as a Vestry, and proceed to Parish Business.

VII. And be it further Enacted, That all County and Parish Taxes, already laid on any of the Inhabitants of the several Counties of Granville, Johnston, and Bladen, shall be collected by the respective Sheriffs of the said Counties of Granville, Johnston, and Bladen, and account for in the same Manner as tho' this Act had not been made.

VIII. And to the End, that no Action commenced in Granville, Johnston, and Bladen Counties be defeated, by the Division aforesaid, Be it Enacted, by the Authority aforesaid, That where any Action is already commenced in any of the said Counties of Granville, Johnston, and Bladen, and the Parties or Evidences shall be the Inhabitants of Orange County, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriffs of Granville, Johnston, and Bladen Counties, to the End and final Determination of the said Causes; any Law Usage or Custom, to the Contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That the County of Orange be, and is hereby obliged to send Jurors to the General Court, at New Bern, and the Sheriff of the said County shall account with the Treasurer of the Southern District of this Province, at New Bern, at the same Time, and in the same Manner, as other Sheriffs of Counties in the Southern District aforesaid are obliged to account.

X. And be it further Enacted, by the Authority aforesaid, That Mr. James Pain, Mr. William Pugh, and Mr. James Watson, be appointed Commissioners, and are hereby impowered and directed, to run a dividing Line between the Counties of Granville, Johnston, Bladen and Orange agreeable to the Directions in this Act before-mentioned.

CHAPTER VIII.

An Act to explain and amend an Act, intituled, an Act for impowering the several Commissioners hereinafter named, to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out in the several Counties and Districts hereinafter appointed in such Manner as they judge most Useful to the Public.

I. Whereas some Doubts have arisen, whether the Commissioners, by Virtue of the before-recited Act, had sufficient Power to clear any Rivers

or Creeks; the Want whereof hath been greatly detrimental to the Trade and Navigation of this Province: For Remedy whereof,

II. We pray it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That from and after the Passing of this Act, it shall and may be lawful for the several Commissioners of the Roads, appointed by Virtue of the Before-recited Act, to summon and order the Taxables within their respective Districts, or so many of them as they may think convenient, which by Law ought to work on the Roads, to clear, and keep clear, any Rivers or Creeks, within their several and respective Districts, in the same Manner, and under the Like Penalties, as they may now, by Virtue of the before-recited Act, summon and order any Person or Persons within their several Districts to work on the Roads.

III. Provided, That the said Commissioners issue Summons, giving the Taxable Persons liable to work on the said Rivers and Creeks, Two Days' Notice, to clear the said Rivers and Creeks, twice every Year, between the last Day of May, and the First Day of October, then next following, Yearly, notifying, that the said Taxables shall work Three Days, and not longer, at each Time.

CHAPTER IX.

An Act to encourage Caleb Grainger, to build a Bridge over Smith's Creek, near the Place known by the Name of Smith's Creek Ferry, in New Hanover County.

I. Whereas a Bridge over Smith's Creek, near the Place where the Ferry now is, would be very convenient for Travellers; and Caleb Grainger being desirous of building one there, at his own expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years:

II. Be it Enacted, by his Excellency Gabriel Johnston, Esq., Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That it shall and may be lawful for the said Caleb Grainger, his Executors, Administrators, or Assigns, to erect and build a good substantial Bridge over Smith's Creek, as near as he conveniently can, to the Place where the Main Road crosses the said Creek, near the Place commonly called Smith's Creek Ferry; and after building the said Bridge aforesaid, it shall and may be lawful for the said Caleb Grainger, his Heirs, Executors, Administrators, or Assigns, to keep a sufficient Gate thereon, and take and receive, from all Persons that shall pass over the same, the following Rates; that is to say, For every Man and Horse, Four Pence; For every Carriage, drawn by one or two Horses, or Oxen, one Shilling; and for every Ox, or Horse more, Four Pence Each: And for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and so in Proportion, for a Greater or lesser Number of Hogs or Sheep: And for all Travellers on Foot, living in the County of New Hanover, Two Pence each, for and during the Space of Twenty Five Years.

III. And be it further Enacted, by the Authority aforesaid, That after the said Bridge is so built and compleated as aforesaid, (provided the said Bridge shall be so done within two Years after the passing of this Act) it shall not be lawful, during the Time the said Bridge shall be kept in Repair, and fit for Travellers and Carriages to pass and repass over the same,

for any Person whatsoever, to keep any Ferry, build any Bridge, or set any Person or Persons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the said Creek for Fee or Reward, within Six Miles of the same, during the Time aforesaid, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered, by a Warrant, by the said Caleb Grainger, his heirs, Executors, Administrators, or Assigns, before any Magistrate of the County of New Hanover; to be applied to the Use of the Proprietor of the Bridge built by the said Caleb Grainger, and during the said Time, the Right and Property of the said Bridge is hereby invested in the said Caleb Grainger, his Heirs, Executors, Administrators, or Assigns.

IV. And be it further Enacted, by the Authority aforesaid, That when the aforesaid Bridge shall be built, the aforesaid Caleb Grainger, His Heirs, Executors, Administrators, or Assigns, shall keep the same in good Order, and fit for passing over, during the aforesaid Space of Twenty Five Years; and shall, at the Expiration thereof, leave the same in like Good Order.

Signed by

GABRIEL JOHNSTON, ESQ., Governor.

Mattnew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA,

1753.

At a General Assembly, begun and held at New Bern, the Twenty Seventh Day of March in the Year of our Lord One Thousand Seven Hundred and Fifty Three. *Matthew Rowan, Esq.*, President.

CHAPTER I.

An Act to prevent excessive and deceitful Gaming. Exp.

CHAPTER II.

An Act for appointing and laying out a Town on Core Banks, near Ocacock Inlet, in Carteret County, and for appointing Commissioners for completing the Fort at or near the same place.

(Printed in Private Acts, *post.*)

CHAPTER III.

An Act to revive and continue a Clause in an Act of the General Assembly of this Province, intituled, An Act to fix a Place for the Seat of Government, and for keeping public Offices; for appointing Circuit Courts, and defraying the expence thereof; and also for establishing the Courts of Justice, and regulating the proceedings therein. Expunged.

CHAPTER IV.

An Act to relieve such persons that have, or may suffer, by the loss of the Records in Onslow County.

I. Whereas by a violent storm or Whirlwind, in September last past, the House of Mr. Thomas Black, late Clerk of the Court for the County of Onslow together with the Court House, and most of the Records belonging to the County Court, were blown away and destroyed, whereby the Estates of many Orphans and other Persons may be very much perplexed and prejudiced: For Remedy whereof,

II. Be it Enacted by the Honorable Matthew Rowan, Esq., President, by and with the advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, That from and after the passing of this Act, the Copy of any Judgment, Order, Settlement of Orphans and their Estates, or other record of any Matter or Thing transacted or done in the County Court of Onslow, attested under the Hand of the Clerk who recorded the same (in such Cases where the original is lost or destroyed) shall and may be given in evidence in any dispute or controversy, or in any Court whatsoever, and shall have the same weight and credit given to it as the Original Record might, or ought to have, could it have been produced.

III. And be it further Enacted, by the Authority aforesaid, That where persons have neglected taking Copies from the Clerk's Office, or may have

lost them, and are desirous to perpetuate the Memory of such Judgement, Order, Probate of a Will or Deed, Disposal of, or settlement of Orphans' Estates, or any other Matter or thing transacted and done in the said County Court, it shall and may be lawful, upon due proof made in open Court, to the satisfaction of the Justices of such Court, at any time within two years next ensuing the passing of this Act, to cause the same to be entered on Record by the Clerk of the Court, in a particular Book for that purpose, and therein shall recite the Witnesses proving the same, and that the original Record was lost in the Storm; for which service he shall be allowed a sufficient Reward, at the Discretion of the Justices of the County Court, to be paid out of the County Tax.

IV. And be it further Enacted, That such Record, so made shall and may at all times hereafter, be pleaded and given in evidence, and have the same authority in any Cause or Court whatsoever, as the Original would have, could it have been produced.

V. And whereas since the storm, for want of houses and Accommodations, the Court could not be held at Johnston; Be it Enacted, That it shall not be deemed or adjudged Error in any Proceedings, or other Public Business, transacted in the said Court or County of Onslow, by Reason the same hath not been held, or hereafter shall not be held and transacted in the Town of Johnston, until a new Court-House shall be built for the said County in the Town of Johnston: and that the same shall be built within Two Years from the passing hereof.

CHAPTER V.

An Act to prohibit the Exportation of Grain in Time of Scarcity. Exp.

CHAPTER VI.

An additional Act to an Act concerning servants and slaves.

I. Whereas by an Act, intituled An Act concerning Servants and Slaves, among other Things, it is provided, that no Slave shall go armed with Gun, Sword, Club, or any other Weapon, or shall keep any such Weapon, or shall hunt or range in the Woods with a Gun, upon any pretence whatever, except such Slave or Slaves who shall have a Certificate, as is in the said Act provided; and whereas the Remedy in the said Act provided has proved ineffectual to restrain many Slaves in divers Parts of this Province from going armed, which may prove of dangerous Consequence: For Remedy whereof,

II. We pray it may be Enacted, And be it Enacted, by the Honorable Matthew Rowan, Esq., President, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, That from and after the passing of this Act, no Certificate shall be signed by any Chairman of any County Court in this Province, allowing any slave to carry a Gun and hunt in the Woods, unless the Master, Mistress, or Manager of such Slave, shall first enter into Bond, with sufficient security, to the County Court, either before, or at the time such Certificate shall be given, for the good and honest Behavior of such Slave; which Bond may be assigned over to any Person or Persons who shall be injured by such Slave; which Assignee shall and may maintain an Action thereon, and recover such damages as he or she shall or may sustain by such Slave, in any Court of Record in this Province, by Action of Debt, Bill, Complaint, or Information; wherein no

Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

III. And be it further Enacted, That no slave shall have or carry a Gun in any Plantation where a Crop is not tended, nor more than one in any Plantation where there is Crop tended, nor after Crop is Housed: And the Master, Mistress or overseer of any Slave, with whom shall be found any Gun, Sword, or other Weapon, contrary to the true intent and meaning of this and the before recited Act, shall forfeit and pay, to the person finding the same, the Sum of Twenty Shillings, Proclamation Money; to be recovered by a Warrant before any one Justice of the Peace for the County where the Offence shall be committed, any Punishment inflicted on the Slave, Forfeiture of the Gun, Sword, or other Weapon notwithstanding; unless such Master, Mistress, or Overseer shall by their own Oath, or other Proof, make appear that such Slave carrying a Gun, Sword, or other Weapon, was without their Consent or Knowledge.

IV. And be it further Enacted, That the Justices of each County Court, when and where they judge it necessary, shall divide their respective Counties into Districts, and yearly, at the first Court to be held for their Counties respectively after the first day of May, shall appoint three Freeholders in each District as Searchers, who shall take the following Oath, viz.:

I, A. B., do swear that I will, as Searcher for Guns, Swords, and other Weapons, among the Slaves in my District faithfully, and as privately as I can, discharge the Trust reposed in me, as the Law directs, to the best of my power. So help me God.

Which Searchers shall four Times in a Year or oftener if they think necessary, search and examine the Quarters and the other Places where Negroes resort in their District, for any Gun, Sword, or other Weapon, and upon finding any of the said Weapons, are hereby required to seize the same, and convert them to their own use, as by the afore-recited Act is directed.

V. And be it further Enacted, That any Person appointed Searcher as aforesaid, who shall neglect or refuse to act, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to such Person, who shall next succeed him; to be recovered as other Fines in this Act mentioned.

VI. And for the Encouragement of such Searchers faithfully to execute their Office, Be it further Enacted, by the authority aforesaid, That each and every Searcher shall, as to his own Person, be, during the Time of his Continuance in his Office, exempted from serving as a Constable, or upon the Roads, or in the Militia, or as a Juror, and shall not be obliged to pay any Provincial, County, or Parish Tax, of what Kind or Nature soever.

VII. Provided always, That no Person but such as are liable to be appointed Constables, shall be obliged to serve as Searchers; any Thing in this Act to the contrary, notwithstanding.

VIII. And be it Enacted by the authority aforesaid, That no Slave shall hunt or range in the Woods with a Dog or Dogs, except such as shall have a Certificate for hunting, obtained as is in this Act directed; And if any Slave shall be found offending herein, it shall and may be lawful for any Person or Persons to kill and destroy the said Dog or Dogs, and to bring the said Slave before the next Magistrate, who shall on due Proof of his Offence, order the said Slave such Correction as he shall judge reasonable, not exceeding Thirty Lashes.

IX. And be it further Enacted, by the authority aforesaid, That if any Slave or Slaves shall be killed on outlawry, or shall commit any Crime or Misdemeanor for which, he, she, or they, shall be capitally convicted, the Owner of such Slave or Slaves so outlawed or executed, shall be debarred all

claim on the Public for the Value of such Slave or Slaves, and the Justices of the County Court and freeholders, who shall value the Slave or Slaves so killed, or sit on the Trial of such Slave or Slaves so capitally convicted, shall not make any certificate of the value of the same, unless it shall be made appear, on Motion for such Certificate, by the Owner, or some other Person, that such Slave or Slaves, killed on outlawry, or capitally convicted, shall have been sufficiently cloathed, and shall likewise have constantly received, for the preceding Year, an Allowance not less than a Quart of Corn per Diem.

X. And be it Enacted, by the authority aforesaid, That in case any Slave or Slaves, who shall not appear to have been cloathed and fed according to the Intent and Meaning of this Act, shall be convicted of stealing any Corn, Cattle, Hogs, or other Goods whatsoever, from any Person not the owner of such Slave or Slaves, such injured Person shall and may maintain an Action of Trespass against the Master, Owner, or Possessor of such Slave, in the General or County Court, and shall recover his or her Damages, with Costs of Suit; any Law, Usage, or Custom, to the contrary notwithstanding.

CHAPTER VII.

An Act for erecting the upper Part of Anson County into a County and Parish by the Name of Rowan County, and St. Luke's Parish; and for appointing a Place for holding a Court in the said County.

I. Whereas the County of Anson is now become so very extensive, that many the Inhabitants thereof live very remote from the Place where the Court of the said County is held; whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their ordinary business in the said Court, but also by being compelled to serve as Jurymen, and oftentimes as Evidences at the said Court; For Remedy whereof,

II. We pray it may be enacted, And be it enacted by the Honorable Matthew Rowan, Esqr., President, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, That Anson County be divided by a Line, to begin where Anson Line was to cross Earl Granville's Line, and from thence, in a direct Line, North, to the Virginia Line, and that the said County be bounded to the North by the Virginia Line, and to the South by the Southermost Line of Earl Granville's Land: And that the upper part of said County, so laid off and divided be erected into a County and Parish, by the Name of Rowan County, and St. Luke's Parish; and that all the Inhabitants of the Westward of the said Line, and included within the before mentioned Boundaries, shall belong and appertain to Rowan County: And that the said County and Parish shall enjoy all and every the Privileges, which any other County in this Province holds or enjoys.

CHAPTER VIII.

An Act to amend an Act, intituled an Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County and the Parish of St. Matthew, and for appointing Vestrymen for the said Parish and other Purposes therein mentioned.

I. Whereas it is found to be more convenient to the Inhabitants of the said County to have the lines mentioned in the above said Act, to run from

the nearest Part of the Virginia Line to Hico Creek, in a direct Line to the Bent of Eno River, below the Ocanechas, and from thence down the Eno River to Neuse River, and from thence down Neuse River, to the Mouth of Horse Creek, altered by a Line to be run, beginning on the Virginia Line, twenty Miles west of Granville Court House, running thence a South Course to Neuse River, thence bounded by the said River to the Mouth of Horse Creek; and that the Jurors directed by the said Act to attend the General Court of New Bern, should be returnable, and attend the Court of Assize, in Edgecomb County:

II. We pray that it may be Enacted, And be it enacted by the Honorable Matthew Rowan, Esq., President and Commander in Chief of this Province, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the authority of the same, That instead of the Lines mentioned in the above recited Act, to be run from the nearest Part of the Virginia Line to Hico Creek, in a direct Line to the Bent of Eno River, below the Occanechas, and from thence down the Eno River to Neuse River, at the mouth of Horse Creek, a Line shall be run, beginning on the Virginia Line, twenty Miles West of Granville Court House, running thence a South Line to Neuse River, and thence bounded by the said River, to the Mouth of Horse Creek.

(III and IV paragraphs not printed.)

V. And be it further Enacted by the Authority aforesaid, That the Clauses in the before recited Act, so far as they relate to running the said Line, from the Virginia Line to Hico Creek, in a direct Line to the Bent of Eno River, below the Occanechas, and from thence down the Eno River to Neuse River, and from thence down Neuse River to the Mouth of Horse Creek, dividing Orange and Granville, and the returning Jurors for the said County of Orange to attend at the General Court at New Bern, be and are hereby repealed and made Void, to all Intents, Purposes, and Constructions, as if the same had never been made.

Signed by

MATTHEW ROWAN, ESQ., President.

James Murray, President of the Council.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1754.

At a General Assembly begun and held at Wilmington, the Nineteenth Day of February in the year of our Lord One Thousand seven Hundred and Fifty Four. *Matthew Rowan, Esq.*, President,

CHAPTER I.

An Act for granting to his Majesty the Sum of Forty Thousand Pounds, in Public Bills of Credit, at the Rate of Proclamation Money, to be applied towards defraying the Expence of raising and subsisting the Forces for his Majesty's Service in this Province, to be sent to the assistance of his Majesty's Colony of Virginia, and for other purposes therein mentioned.

I. Whereas his Majesty hath been pleased by Instruction to the Commander in Chief of this Province, to direct, that in case any European Power, or Indians under their Influence, should make any hostile Invasions on this his Majesty's Province, to repel Force with Force and on Application, to assist any neighboring Province, if any attack should be made on them;

II. And whereas the Government of Virginia hath desired the Assistance of some of the Militia of this Province to drive off the French, who have lately actually committed Hostilities on that Colony, and dispersed and plundered many of the Inhabitants, built a strong Fort, and placed a Garrison within the known Bounds of that Colony; this Assembly being desirous of shewing their Duty to his Majesty, and Zeal for his Service, and their concern and desire to promote good order, Literature, and true Religion, in all the parts of this Province, and finding it impracticable (the Scarcity of Money being such) to procure a Sum sufficient to raise and subsist Forces to be sent to the aid of Virginia, and for the other Purposes above mentioned by an immediate Tax on the People; Therefore,

III. We pray that it may be Enacted, And be it Enacted by the Honorable Matthew Rowan, Esq., President, and Commander in Chief, by and with the advice and consent of his Majesty's Council, and the General Assembly of this Province, and by the authority of the same, That the Honorable John Swann, and Lewis de Rosset, Esquires, Samuel Swann, and John Starkey, Esquires, are hereby authorized and empowered Commissioners, to stamp and make out, or cause to be stamped with Copper-Plates, and signed with their Hands, Public Bills of Credit of this Province, to the amount of Forty Thousand Pounds, at the Rate of Proclamation Money, that is to say: Two Thousand Five Hundred Forty Shilling Bills, Four Thousand Thirty Shilling Bills, Four Thousand Twenty Six Shillings and Eight Pence bills, Six Thousand Twenty Shilling Bills, Six Thousand Fifteen Shilling Bills, Eight Thousand Ten Shilling Bills, Eight Thousand Five Shilling Bills, Ten Thousand Four Shilling Bills, Eleven Thousand Two Shilling and Eight Penny Bills, Thirty Thousand One Shilling Bills, Forty Thousand Eight Penny Bills, and Thirty One Thousand Four Penny Bills.

IV. And be it further Enacted, by the Authority aforesaid, That the Bills of Credit to be emitted by Virtue of this Act shall be current, and a lawful Tender in all Payments whatsoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and

Sterling Money that is to say; at Four Shillings, Proclamation Money, for Three Shillings Sterling.

V. And be it further Enacted, by the authority aforesaid, That if any Person or Persons shall counterfeit, alter or erase any of the said Public Bills of Credit of this Province, or shall aid or assist in counterfeiting, altering or erasing such Bills, or shall utter any of the said Bills, knowing them to be so counterfeited, altered, or erased, such person or Persons so offending shall for the first offence, be whipped at the Discretion of the Court before which such Person shall be convicted, not exceeding Forty Lashes, and stand on the Pillory Two Hours, and have both his Ears nailed thereto and cut off; and for the second offence, be deemed a Felon, without Benefit of Clergy, and shall be adjudged and suffer accordingly.

VI. And be it further Enacted, by the authority aforesaid, That each of the Commissioners herein before appointed shall, before he enters upon the Execution of his Office, give Bond to his Honor the President, or Commander in Chief for the time being for the use of the Public, in the Sum of Five Thousand Pounds, Proclamation Money, for the due and faithful Execution of his Office according to the true Intent and Meaning of this Act; which said Bond shall be lodged in the Secretary's Office of this Province; and shall also take an Oath, for the due and faithful Execution of his Office of Commissioner aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That the said commissioners shall have and receive, for their stamping and paying out the said Bills of Credit, the Sum of Eight Hundred Pounds, Proclamation Money.

VIII. And be it Enacted, by the Authority aforesaid, That as soon as the said Commissioners shall have stamped and signed the several Bills to the Amount of Forty Thousand Pounds, Proclamation Money aforesaid, they shall deliver the same (except Twelve Thousand Pounds, to be paid in Manner as hereafter directed) to the Public Treasurers, in such Proportion as may be necessary to discharge the payments that are to be made for the purposes in this Act mentioned, in the respective Districts of the said Treasurers; which said Treasurers (on Notice given by the aforesaid Commissioners, of the Day and Place they will deliver the said Bills) shall and they are hereby required and directed, then and there to attend, to receive the same in Manner aforesaid, from the Commissioners aforesaid, and place the same in their several Offices, to and for the Uses, Intents, and Purposes, in this Act aforementioned.

IX. And be it further Enacted, by the authority aforesaid, That each of the said Public Treasurers shall have and be allowed One Per Cent. for his Trouble, on all the Public Bills of Credit that he shall receive as aforesaid, and pay in Virtue of this Act, and no more; any Law, Usage, or Custom, to the contrary, notwithstanding.

X. And be it further Enacted, by the authority aforesaid, That if any Commissioner or Commissioners aforesaid, before the Sum of Forty Thousand Pounds shall be stamped and signed, shall die or depart this Government, that then the Governor, or Commander in Chief for the Time being, shall and is hereby authorized and impowered, to appoint another Person or Persons, in the room and stead of such Commissioner or Commissioners, so dying or departing this Government; and such Person or Persons, so appointed, shall be vested with the same power, Benefits and Authority, and be subject to the same regulation and restrictions as the Commissioner or Commissioners appointed by virtue of this Act.

XI. And be it further Enacted, by the authority aforesaid, That the said Sum of Forty Thousand Pounds, when it shall be stamped and signed, be

and is hereby applied and appropriated for the Uses, Intents, and Purposes, herein after mentioned, that is to say; The Sum of Twelve Thousand Pounds for the enlisting, subsisting, and paying, the Forces designed for the Assistance of the Colony of Virginia, against the French and Indians, who have invaded the said Colony at Ohio, which shall be paid by the said Commissioners, by Warrant or Warrants from the Governor, or Commander in Chief, to the Colonel or Commanding Officer of the Regiment, or his Order; which said Officer shall first give Bond, with Sufficient Security, in the Sum of Twelve Thousand Pounds, Proclamation Money, payable to his Majesty, his Heirs and Successors, for the Use of the Public, for the due Application of all such Monies he may or shall receive in Virtue of any such Warant or Warrants, and shall also account for the same in such manner as all other Public Monies are by Law to be accounted for; which Bond shall be lodged in the Secretary's Office; And such Officer shall retain One per cent. for receiving and paying the said Money.

And the Sum of Two Thousand Pounds to the Use of Fort Johnston, for strengthening, guarding, watching, and preserving the said Fort; to be drawn out of the Hands of the Public Treasurer, by Order of Warrant, under the Hands of the Commissioners appointed, or to be appointed, according to Law, for building the said Fort, or the Major Part of them, in the same manner as they by Law are impowered to do. And the Sum of Two Thousand Pounds for the finishing Fort Granville, at Ocacock Inlet, to be paid by the Treasurer to the Commissioners for building the said Fort, by a Warrant from the Governor or Commander in Chief for the Time being: they first giving Bond, payable to his Majesty, his Heirs and Successors, in the Sum of Four Thousand Pounds Proclamation Money, for the use of the Public, to apply the same for the uses by this Act intended, and to account for the same with the Public Treasurer; which said Bond shall be lodged in the Secretary's Office.

And the Sum of One Thousand Pounds for the Frontier Counties of Anson and Rowan, for purchasing Arms and Ammunition for the use of the poorer Inhabitants of the said Counties; to be paid by the Public Treasurer, by Warrant from the Governor, or Commander in Chief for the Time being that is to say, Five Hundred Pounds to Mr. Caleb Howell, and Mr. Charles Robinson, of Anson County, and Five Hundred Pounds to Mr. James Carter, and Mr. John Brandon of Rowan County, to be by them respectively applied for the Use by this Act intended, each of them first giving Bond, with Sufficient Securities, payable to his Majesty, his Heirs and Successors, in the Sum of Five Hundred Pounds, Proclamation Money, for the Use of the Public, for the faithful Discharge of the Trust hereby reposed in them; which said Bond shall be lodged in the Secretary's Office; and shall produce to the Public Treasurer, a Certificate from the Court of the County respectively that the securities so taken are sufficient and shall account with the said Treasurer for the Money aforesaid, by them so received. And the Sum of Four Thousand Two Hundred Pounds, Proclamation Money, for and towards paying the Public Debts of this Province.

XII. And be it further Enacted, by the Authority aforesaid, That the Sum of Eighteen Thousand Pounds, Remainder of the Forty Thousand Pounds of the Bills of Credit to be stamped and signed by Virtue of this Act, shall be applied to and for the following Uses, Intents, and Purposes, that is to say: The Sum of Six Thousand Pounds for the founding and endowing a Public School, in such manner and under such regulations, as the Governor, or Commander in Chief, for the time being, the Council and General Assembly, shall order, direct and appoint the Sum of Seven Thousand

Two Hundred Pounds to the Use of the Twenty Four Parishes now erected, out of which said Sum, Three Hundred Pounds shall be paid into the Hands of the Church Wardens and Vestry of every respective Parish in this Government; to be by them applied towards building or finishing a Parish Church, purchasing Land and Stock for a Glebe, and building a Parsonage House, within their several respective Parishes; to be paid by the Treasurers to the Church Wardens of each and every Parish, by order of the several and respective Vestries; to be by them applied to the Uses and Purposes by this Act intended, and no other. And the Sum of Two Thousand Pounds, for and towards finishing the Public Buildings in this Province; to be applied by the Commissioners already appointed, whereof the present Treasurer of the Southern District is one, towards compleating and finishing the said Buildings, and shall by the said Commissioners be accounted for, from Time to Time, with the General Assembly. And the Sum of Two Thousand Eight Hundred Pounds, for and towards defraying the contingent charges of this Government.

XIII. Provided always, and it is hereby Enacted and Declared, That the said remaining Public Bills of Credit, to the Amount of Eighteen Thousand Pounds, shall not be issued or paid by the said Treasurers, or any other Person or Persons whatsoever, for and towards the Purposes herein before mentioned, or to any other purpose whatsoever, until his Majesty's Royal Approbation or Consent shall be signified to the Governor, or Commander in Chief of this Province for the Time being; any Thing in this Act to the contrary, notwithstanding.

XIV. And be it further Enacted, by the Authority aforesaid, That the Tax of One Shilling, Proclamation Money, for sinking the present Currency, shall continue to be annually levied on every taxable Person within this Province, and be collected by the Sheriff of every respective County, and shall be paid in Gold, Silver, or Bills of Credit, on or before the first Day of March, yearly; and that all Persons neglecting to pay the said Tax at the Time by Law limited, shall be liable to such Distress, to be made by the Sheriff, as for Non-Payment of other Taxes; and the said Sheriff of each and every County, on or before the Tenth Day of June, yearly, shall return a List of Taxables, and also account upon Oath, and pay into the Hands of the Public Treasurer of the respective District, all such Sums of Money as he shall have received in Virtue of this Act, under the Penalty of Two Hundred Pounds, Proclamation Money, for every Default; and every such Sheriff and his Securities, shall be further liable to a Suit or Suits, and recovery, on the Security Bond given for the Performance of his Office.

XV. And for the more speedy and effectual calling in and sinking the Bills of Credit, to be emitted by virtue of this Act, Be it Enacted by the authority aforesaid, That from and after the Expiration of the Act for licensing Traders, Peddlers, and Petty Chapmen, and granting to his Majesty an Impost on Goods, Wares, and Merchandise, to raise Supplies for the necessary Charges of Government, there shall be paid for every Gallon of Wine, Rum, or other distilled Liquors, imported or brought into this Province, either by Land or Water from any Port or Place whatsoever, (Great Britain excepted) the Duty of Four Pence per Gallon, Proclamation Money.

XVI. And be it further Enacted, by the authority aforesaid, That the Master of every Vessel hereafter importing Liquors liable to a Duty, by virtue of this or the before recited Act, to any Port or Place within this Province shall within Forty Eight Hours after his arrival, make a true and just report, upon Oath, to the Receiver of the Duty on such Liquors, of the quantity of Liquor, with the Particular Marks and Numbers of every Cask

or Package containing the same, and to whom consigned, to the best of his Knowledge, under the Penalty of forfeiting One Hundred Pounds Proclamation Money.

XVII. And be it further Enacted, That from and after the passing of this Act, no Wine, Rum, or other distilled Liquor, shall be landed or put on Shore, or any other Way delivered out of the Vessel importing the Same, before due entry made thereof, upon Oath, by the Importer, Owner, or Factor, with the receiver appointed by this or the before mentioned Act, for receiving the Duty in the Place or Port where the same shall be imported, or before the said Duty shall be fully satisfied and paid, or secured to be paid, in manner as hereafter directed, and a Permit had under the Hand of the Receiver for the Landing or Delivery thereof; and all Liquors landed, or put on Shore, contrary to the direction and true Intent and Meaning of this Act, shall be forfeited or the Value thereof.

XVIII. And be it further Enacted, That any Person or Persons bringing any Wine, Rum, or other distilled Liquors, into this Province by Land, shall within Forty Eight Hours after he has lodged or housed the same, make a due Report on Oath, of the Quantity thereof, to the Receiver of the respective Ports or Places, appointed by Virtue of this or the before mentioned Act, and pay the Duty imposed, or give bond with good security, to our Sovereign Lord the King, his Heirs and Successors, for the Use of the Public for payment thereof within six Months, and obtain a Permit, under the Hand of the said Receiver, for selling or using the same; and on Default thereof all such Liquors, or the Value thereof, shall be forfeited.

XIX. And be it further Enacted, That if any Person or Persons whatsoever shall wittingly or willingly make a false Entry of any of the Liquors before mentioned, and be thereof lawfully convicted, such Person or Persons shall forfeit and pay One Hundred Pounds, Proclamation Money.

XX. And be it further Enacted, That if any Receiver appointed by this or the before mentioned Act to receive the Duty aforesaid or any other Person or Persons for him, shall take or receive, directly or indirectly, any bribe, Recompense, or Reward whatsoever, for conniving at any false Entry of Wine, Rum or other distilled Liquors, that shall be imported into this Province either by Land or Water, whereby the Public may be defrauded, such Person shall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money, and the Person or Persons giving or paying any such Bribe Recompence, or Reward shall forfeit and pay the Sum of One Hundred Pounds like Money.

XXI. And be it further Enacted, by the Authority aforesaid, That the Receiver or Receivers of the aforesaid Duty, or any Person by him, them, or any of them, appointed, shall have full power and Authority to enter on Board any Vessel, provided she hath been in Port Six Days, and bring on Shore so much of the Liquors reported or entered, and liable to pay the Duty aforesaid, as shall be sufficient to pay the Duty on such Liquors so reported, and the same to sell at public Vendue, to the highest bidder; and after the Duty aforesaid shall be paid, and the Charges of bringing such liquors on Shore, and Vendue thereof defrayed, the Surplus (if any) shall be paid to the Person from whom the said Liquors were taken.

XXII. And be it further Enacted, That upon information made on Oath, or violent Suspicion, it shall and may be lawful for any of the Receivers of the said Duty upon Liquors, by a Warrant under the Hand of a Justice of the Peace, and accompanied with a Constable, to open any House, Warehouse, or Store, in the Day time, and search for, seize, and carry away, any Liquors liable to the Duty aforesaid, and for which the said Duty hath not

been paid, or secured to be paid, in Manner aforesaid: And in all Cases, where any Dispute shall arise on any Seizure, being made by Virtue of this Act, for Non-Payment of the Duty aforesaid, the Onus Probandi shall lie on the Owner or Claimer of such Liquors. And if any Receiver or Constable or their assistants, shall be molested or sued for any Thing done in executing the Powers hereby Given them, such Receiver, Constable, or Assistant, may plead the General Issue, and give this Act in Evidence: and if in any such Suit the Plaintiff be non-suit, or Judgment pass against him, the Defendant shall recover double costs.

XXIII. And be it further Enacted, by the Authority aforesaid, That where any Person is desirous of transporting any Liquors that are liable to the Duty aforesaid, from one District to another, and for which the Duty hath been paid, or secured to be paid, he shall apply to the Receiver of the Duty on Liquors for a Certificate, which Certificate such Receiver is hereby authorized, impowered, and required to give, setting forth the Number of Casks, the Marks, and the Contents thereof, and the Duties thereof have been paid, or secured to be paid, on producing of which to the Receiver of the Duty of such District to which the same shall be transported, and making Oath that the Liquors by him transported are bona fide the same for which such Certificate was obtained, no farther Duty shall be demanded; and all Liquors liable to the Duty aforesaid, brought into any District without such Certificate, either by Land or Water, shall be deemed not to have paid the Duty, and such Liquors, or the Value thereof, shall be forfeited.

XXIV. And be it further Enacted, That no Collector of any of the Ports in this Province shall, from and after the passing of this Act, clear out any Vessel importing any of the aforesaid Liquors, before the Master shall produce a Certificate, signed by one of the Receivers, appointed by Virtue of this or the before mentioned Act, that he hath paid, or secured to be paid, the Duty aforesaid, under the Penalty of Fifty Pounds, Proclamation Money.

XXV. And be it further Enacted, That Mr. Jeremiah Vail shall be, and he is hereby appointed Receiver of the Duty arising in Virtue of this Act on all the Wine, Rum, and distilled Liquors, imported into Neuse River; and Mr. John Spooner, shall be, and he is hereby appointed Receiver of the Duty on all the Wine, Rum, and distilled Liquors, imported into any of the Inlets in Onslow County; and that the several Collectors of his Majesty's Customs, for the Time being, shall be, and they are hereby appointed Receiver of the said Duty, on all the Wine, Rum, and distilled Liquors, that shall be imported by Water, at every other place within their Several and respective Ports; and that the Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council, shall be and is hereby impowered to nominate and appoint such and so many Receivers of the Duty on Liquors brought into this Province by Land, as shall be necessary; and if any of the aforesaid Receivers appointed, or to be appointed by Virtue of this Act, shall die, remove, or refuse to Act, or neglect their Duty, the Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council, shall appoint others in their stead and Place.

XXVI. And be it further Enacted, That every Receiver of the Duty on Liquors shall, before he enters on the Execution of his Office, give Bond, with sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Five Hundred Pounds, Proclamation Money, for the Use of the Public; with Condition that he will honestly, faithfully, and justly execute the Office of Receiver of the Impost or Duty aforesaid, and will fully account for and pay all Such Sum or Sums of Money by him to be

received and accounted for, which Bond so given, shall be lodged in the Secretary's Office.

XXVII. And be it further Enacted, That the several and respective Receivers appointed by Virtue of this or the before mentioned Act, shall annually account, upon Oath, with the Public Treasurers of this Province, in their several and respective Districts; and for their receiving the aforesaid Duty, and fully accounting for, and paying the same to Treasurers aforesaid, they shall be allowed Five per cent.

XXVIII. And be it further Enacted, That all the Money arising by the Duty imposed by this Act, shall be paid to the Public Treasurers, and shall be by them accounted for and paid (their Commissions deducted) to the General Assembly, and shall be applied and appropriated for and towards sinking the Public Bills of Credit to be emitted by Virtue of this Act, and to no other Use or Purpose whatsoever; and together with the before mentioned Tax of One Shilling per Poll, shall continue to be collected and paid, until the present Bills of Credit, and the Bills of Credit now to be emitted, in Virtue of this Act, shall all be called in, sunk and destroyed.

XXIX. And be it further Enacted, That the several Fines and Forfeitures in this Act mentioned, shall be applied, one Half to his Majesty, for and towards the contingent Charges of Government, and the other Half to him who will inform and sue for the same; to be recovered by action of Debt, Bill, Plaint, or Information, in the General Court of this Province; wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

CHAPTER II.

An Act for the further and better Regulation of the Town called Wilmington, and for repealing the several Acts therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER III.

An Act for appointing Commissioners of the Roads for the South West District of New Hanover County.

(Printed in Private Acts, *post.*)

CHAPTER IV.

An Additional Act to an Act, intituled, An Act for impowering the several Commissioners herein after named, to make, and repair, all Roads, Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public.

CHAPTER V.

An Act for Granting unto the town of Brunswick the Privilege of Chosing and Sending a Representative to the General Assembly. Repealed.

CHAPTER VI.

An Act to impower the Justices of Craven County to sell the Lot of Land in New Bern, whereon the Court house, Prison, and Stocks, now are,

(Printed in Private Acts, *post.*)

CHAPTER VII.

An Act to continue an Act, intituled an Act to appoint an Agent to solicit the Affairs of this Province at the several Boards in England; also an Act intituled an Act to encourage James Davis to set up and carry on his Business of a Printer in this Province, and for other Purposes therein mentioned; also an Act intituled An Act to appoint Inspectors in New Hanover County, and for regulating the Exports at Cape Fear; and also One other Act, intituled An Act for the better regulating the Militia of this Province. Exp.

CHAPTER VIII.

An Act for erecting the upper Part of Bladen County into a County and Parish, by the Name of Cumberland County, and St. David's Parish. Private.

CHAPTER IX.

An Act to appoint and lay out a Town on the Plantation of Mr. Henry Skibbow, on the East side of the North East Branch of Cape Fear River, at a Place called the Sand Hill, and to appoint an Inspector in the said Town and other purposes therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER X.

An Act to alter the Times for holding the Courts of Orange, Rowan, and Bladen Counties.

(Printed in Private Acts, *post.*)

CHAPTER XI.

An Act to amend an Act Intituled, An Act to appoint a convenient Place for holding the County Court of Duplin, and to empower the Commissioners therein named to build a Court House, Prison, and Stocks, in the said County and for enlarging the Bounds thereof.

(Printed in Private Acts, *post.*)

CHAPTER XII.

An Act to appoint a convenient Place for holding the County Court of Orange, and to empower the Commissioners hereafter named to build a Court House, Prison, and Stocks, in the said County.

(Printed in Private Acts, *post.*)

CHAPTER XIII.

An Act for appointing and laying out a Town on the Land of John Jenkins on the South side of Pee Dee River in Anson County and for other Purposes therein mentioned.

(Printed in Private Acts, *post.*)

Signed by

MATTHEW ROWAN, ESQ., President,
James Murray, President of the Council.
SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1754.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the year of our Lord One Thousand Seven Hundred and Fifty Four; being the First Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for establishing the Supreme Courts of Justice, Oyer and Terminer and General Gaol Delivery of North Carolina. Repealed.

CHAPTER II.

An Act for establishing County Courts, for enlarging their Jurisdiction and settling the proceedings therein. Repealed.

CHAPTER III.

An Act to provide indifferent Jurymen in all Causes, criminal and Civil and for an Allowance for the Attendance of Jurors attending at the Supreme Courts. Rep.

CHAPTER IV.

An Act for appointing Parishes and Vestries, for the encouragement of an orthodox clergy for the advancement of the Protestant Religion and for the direction of the Settlement of Parish Accounts. Rep.

CHAPTER V.

An Act for granting an Aid to his Majesty, for the Defence of the Frontier of this Province and other Purposes.

I. And be it further Enacted, by the Authority aforesaid, That Thomas Barker, Esq., be, and he is hereby appointed Public Treasurer for the Counties of Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrel, Northampton, Edgecomb, Granville, and Orange; And that John Starkey, Esq., be, and he is hereby appointed Public Treasurer of the Counties of Beaufort, Hyde, Craven, Onslow, Carteret, New Hanover, Bladen, Anson, Duplin, Cumberland, Rowan, and Johnston: And the said Treasurers are hereby empowered and directed, to receive the Tax herein before laid, and to account for the same as is herein before directed; each of which said Treasurers shall, before he shall receive any Part, of the said Tax, give Bond, in the Sum of Two Thousand Pounds, to our Sovereign Lord the King, his Heirs and Successors; with condition that he will well and faithfully account and pay to the Assembly, when required, the Monies he shall receive, from Time to Time, by Virtue of this Act as herein directed; and all other such Sums as he shall at any Time hereafter receive, on account of Taxes laid for sinking the now current Bills of Credit.

CHAPTER VI.

An Act for securing the Payment of Quit Rents due to his Majesty, and Earl Granville, for quieting the Freeholders in the Possession of their Lands, and for other purposes.

CHAPTER VII.

An Act for granting to his Majesty a Duty on the Tonnage of Ships and other Vessels coming into this Province, for the purposes therein mentioned.

I. Whereas there is no Provision made by the Laws now in Force for the Procuring Powder and Shot, for the Use of the Forts and Fortification, and Defence of this Province:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the same, That the Master of every Ship or Vessel which shall at any Time after the first Day of May next after the passing of this Act, be entered in this Province, or any District or Port, there unto belonging, in order to unlade the goods and Merchandize imported in her, or in order to unlade and take on Board any Goods, Wares, and Merchandize whatsoever, for Exportation out of this Province shall pay to such Person who shall be appointed in Manner herein after directed to receive the same, in the Port such Ship or Vessel shall enter, for every Ton the said Ship or Vessels of Burthen, one Quarter of a Pound of good and new Gun Powder, and one Pound of Shot or Lead.

III. Provided always, That no Ship or Vessel built in this Province, nor no Ship or Vessel, or proportion of Ship or Vessel, owned by any Inhabitant or Inhabitants thereof, shall be subject to the said Duty, or liable to the payment thereof; any thing herein before to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That for the Collecting and receiving the said Duty, the Governor or Commander in Chief of this Province for the Time Being, shall be, and is hereby impowered and authorised, by and with the advice of the Council, from Time to Time, and at all Times hereafter, to nominate, constitute and appoint such and so many Receivers as shall be found necessary, for the receiving the said Duty; and to allow them such Salary, not exceeding Ten per Cent. as shall be thought reasonable.

V. And be it further Enacted, by the Authority aforesaid, That every Receiver, before he enters upon his Office, shall deliver in to the Secretary of this Province, his Bond, with Two good and Sufficient Securities, to our Sovereign Lord the King his Heirs and Successors, for the Use of this Province, in the Sum of Five Hundred Pounds, Proclamation Money, for the due and Faithful discharge of his Duty as Receiver of the Port for which he shall be appointed as aforesaid; and that he will from Time to Time, as often as required, deliver in to the Governor, Council, and Assembly of this Province a True List of all the Ships or Vessels which shall enter in the Port of which he is Receiver; with the Burthen of Tons, and a True and Perfect Account of the Quantity of Powder and Shot, or lead he shall receive, on account of the Duty aforesaid, and on any Suit.

VI. On such Bond, the Money recovered shall be applied to buying Powder and Shot, or Lead, to be placed in the Magazine of the District where such Receiver shall reside, for the Uses intended by this Act.

VII. And be it further Enacted, by the Authority aforesaid, That each

Receiver of the aforesaid Duty, shall, and he is hereby authorized and empowered, where there is no Magazine or Store provided by the Public in the District whereof he is Receiver, for the safe and secure keeping of the Powder and Shot, or Lead, which shall be by him received in Virtue of this Act, to provide or hire a Store House, as well for the safe keeping thereof, as for the safe keeping of all Arms, and Warlike Stores and Accoutrements, belonging to the Public within the Port of which he is Receiver; the Charge and Expence whereof shall be paid by the Public, in the same Manner, and at the same time other Public Claims are Paid.

VIII. And be it further Enacted, by the Authority aforesaid, That no Collector of his Majesty's Customs within this Province shall clear out any Ship or Vessel, before the Master of such Ship or Vessel shall produce to him a Certificate from the Receiver of the Duty aforesaid in the Port of which he is Collector, That such Master hath fully discharged the Duty aforesaid; under the Penalty of Fifty Pounds, Proclamation Money, for every such Offence; one Half to his Majesty, his Heirs and Successors, for the Use and Purposes of this Act, and the other Half to him or them that will sue for the same; and may be recovered by Action of Debt, in any of the Supreme Courts of Justice in this Province; wherein no protection or Injunction shall be allowed or admitted of.

IX. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Two Years, from the passing thereof, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER VIII.

An Act for raising a Fund for paying the Salaries of the Chief Justices and Attorney General, and for other Purposes. Priv.

CHAPTER IX.

An Act to restrain the Exportation of bad and Unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs.

I. Whereas hitherto neglecting to prevent the Exportation of bad and Trash Tobacco, and the many frauds in deceiving his Majesty of his Customs has brought that part of the Trade of this Province into great Decay.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That for the more Effectual preventing the Exportation of Trash, bad, unsound, and unmerchantable Tobacco, all Tobaccos which from and after the passing of this Act, shall be exported out of this Province by Sea, shall be first brought to some or one of the Public Warehouses herein after mentioned, and shall be there viewed and inspected, in Manner as is herein after expressed.

III. And be it further Enacted, by the Authority aforesaid, That no person shall put on Board or receive into any Ship, Sloop, Boat or Pettiagua, or other Vessel, in order to be exported therein, any Tobacco not packed in Hogsheads or Casks, upon any Pretence whatsoever, nor in any Hogshead or Cask, to be in any Ship, Sloop, Boat, or other Vessel, exported out of this Province by Sea, before the same shall have been viewed and inspected, according to the Directions of this Act; but that all Tobacco whatsoever to be received or taken on board any Ship, Sloop, Boat or other Vessel, and to

be therein exported, or to be carried or put on Board any other Ship, Sloop, or other Vessel, for Exportation as aforesaid shall be received or taken on Board, at the several Warehouses for that Purpose herein after mentioned, or some or one of them, and at no other Place or Places whatsoever; And every Master, Mate or Boatswain, which shall arrive in this Province, in order to lade Tobacco, during the Continuance of this Act, shall, before the said Ship, or Vessel be permitted to take on Board any Tobacco whatsoever, make Oath, before the Naval Officer of the District wherein such ship or Vessel shall arrive, (which Oath the said Naval Officer is hereby empowered and required to administer) that they will not permit any Tobacco, whatsoever to be taken on Board their respective Ships or Vessels, except the same be packed in Hogsheads or Casks; stamped by some Inspector legally thereto appointed; which Oath they shall subscribe in a Book to be kept by the Naval Officer for that Purpose and if any Master shall cause any Person who is not really and bona fide Mate or Boatswain, to come on shore and take such Oath, he shall for the said Offence, forfeit and pay Twenty Pounds: And if any Master or Commander of any Ship or Vessel shall take on Board, or suffer to be taken on Board the Ship, or Vessel whereof he is Master, any Tobacco brought from any other Place than some or one of the Public Warehouses herein after Mentioned, or any Hogsheads or Casks of Tobacco, not stamped by some Lawful Inspector, or shall suffer to be brought on Board any Tobacco, except in Hogsheads or Casks, stamped as aforesaid; every such Master or Commander shall forfeit and pay Twenty Pounds, Proclamation Money, for every Hogshead or Cask of Tobacco which shall not have been brought from one of the said Public Warehouses, or which shall not be stamped as aforesaid; and moreover, every such Hogshead or Cask of Tobacco shall be forfeited.

IV. And forasmuch as the permitting Tobacco in Bulk or Parcels to be waterborne, on Pretence of being carried to warehouses established by this Act, may give great Opportunity to the clandestine running the same on Board Ships or Vessels lying at or near the said Warehouses, whereby the Evil of Exporting Trash Tobacco may be still continued; Be it further Enacted, by the Authority aforesaid, That if any Person, taking upon himself to carry any Tobacco to or from any of the said warehouses, in his Sloop, Boat or other Vessel, for Hire, shall Presume to take on Board any Tobacco whatsoever in Bulk or Parcels such Tobacco shall not only be forfeited, and may be seized by any Person or Persons whatsoever; but the Master or Skipper offending herein, shall forfeit and pay Twenty Shillings, for every Hundred Pounds Weight of such Tobacco, and so proportionably for a greater or less Quantity: And the Master or Commander of any Ship, or Vessel, wherein any Tobacco, in bulk or Parcels, shall be found, shall, over and above the Forfeiture thereof, be subject and liable to the same Penalty; to be recovered if it does not exceed Forty Shillings, before any Two Justices of the Peace of any County near the Place where such Ship, Sloop, Boat, Pettiagua, or other Vessel shall lie; and if it exceeds Forty Shillings, in any Court of Record, by Action of Debt, wherein the Plaintiff shall recover his Costs: And if any Sloop, Boat, or other Vessel, be under the Care or Management of a Servant, who cannot satisfy and pay the said Penalty, then such Servant shall, upon complaint thereof made to a Justice of the Peace, have and receive, by Order of such Justice, Thirty Nine Lashes, well laid on: And if any Servant shall be again Trusted with the Care and Management of any Sloop, Boat or other Vessel, and shall be convicted a second time of taking or receiving on Board the same, any Tobacco in Bulk or Parcels, contrary

to the Directions of this Act, the Owner of such Servant shall forfeit and pay like the Sum of Twenty Shillings, for every Hundred Pounds Weight of such Tobacco; and shall also forfeit and pay five Shillings, for every Day such Servant shall there after be employed as Skipper or Master of any Sloop, Boat, or other Vessel, to him belonging; to be recovered and applied as aforesaid.

V. Provided always, That nothing herein before contained, shall be construed to prohibit any Person from carrying, or causing to be carried, to the said Warehouses, in any Boat, or other vessel, Tobacco in Bulk or Parcels, for the Payment of his or her Taxes, Dues, or Duties.

VI. And be it further Enacted, That every Master of a Ship, or Vessel, wherein Tobacco shall be laden to be exported, shall, at the Time of clearing, deliverer to the Naval Officer, Two Fair Manifests of all the Tobacco on Board the Ship or Vessel, expressing the Marks and Numbers of every Hogshead, and the Tare and Nett Weight, stamped thereon, the Person by whom shipped, and from what Warehouse, and shall make oath thereto, and that the same is a Just and True Account of the Marks, Numbers, Tare and Nett Weight of each respective Hogshead, as the same was taken down by the Person or Persons appointed by him to take the same, before the said Tobacco was stored away; and no Ship or Vessel shall be cleared by the Naval Officer, before he shall have received such Lists or Manifests; one of which said Manifests shall, by the said Naval Officer, be annexed to such Master's Certificate or Clearance; to the End the same may be delivered to the Chief Officer of the Customs in such Port or Place where the said Ship or Vessel shall unlade, and the other of the said Manifests shall, by the said Naval Officer, be transmitted to the said Chief Officer of the Customs. by the next Convenient Opportunity.

VII. And be it further Enacted, That if the Skipper of Any Sloop, Boat, Pettiagua, or other Vessel, or other Person or Persons, to whom the care and Management thereof shall be intrusted, shall put on Board any Ship, or other Vessel, to be exported, as herein before mentioned, any Hogshead, Cask or Package of Tobacco, put on Board the same to be carried to any Public Warehouse, by this Act appointed for the Reception and Inspection of Tobacco, so as the same be not delivered at some of the said Public Warehouses, without fraud or Embezzlement; or shall open any Hogshead or Cask of Tobacco, so as aforesaid waterborne, and take thereout any Tobacco, before the same be viewed by the Inspectors, according to the Directions of this Act, or after the same has been viewed, shall fraudulently open any Hogshead or Cask, and take thereout any Tobacco every such Offence shall be adjudged Felony, and the Offender or Offenders shall suffer as in Cases of Felony.

VIII. Provided always, That nothing herein contained shall be construed to prohibit the putting on Board any Ship, or other Sea Vessel, any Hogshead, Cask or Package of Tobacco, out of any Sloop, Boat, or other Vessel, which by Distress of Weather shall be forced on Ground, or become Leaky; so as such putting on Board any Sea Vessel, shall be really and bona fide for the Preservation of the Tobacco laden in such Sloop, Boat, or other Vessel, and that the same be, with all convenient Speed, carried thereafter to the Warehouse to which it was designed, without Embezzlement.

IX. Provided also, That if by the Accidents aforesaid, or Negligence by the Master or Skipper of any Vessel, any Tobacco which hath been viewed and stamped, shall in its carriage to the Ship, in which it is intended to be exported, receive so much Damage as that the Master of such Ship, will not receive it on Board, every Hogshead or Cask of Tobacco so damnified,

shall, with all convenient speed, be carried to some Warehouse appointed by this Act, and there lodged, until the Owner of the said Tobacco, or Master of the Vessel in which it was damaged, shall have separated the same, and repacked the good Tobacco; and then the same shall be weighed and stamped, with the weight by the Inspectors attending such Warehouse, without Fee or Reward; but if the Owner of such Tobacco, or the Master of the Vessel in which it was damaged, fail or delay to separate and repack the same within Ten Days; then the Inspector at the Warehouse where such Damaged Tobacco shall be landed, shall, and they are hereby required and enjoined, to separate, repack, stamp, and weigh, the same; and such Inspectors shall have and receive, of the Owner of such Tobacco, Five Shillings, for each Hogshead or Cask of Tobacco, to be paid by such Owner, before the said Tobacco shall be delivered out for Exportation.

X. And be it further Enacted by the Authority aforesaid, That all Tobacco which shall be brought to any of the Public Warehouses herein after mentioned, shall be viewed, examined, and inspected, by Two Persons to be thereunto appointed, who shall be called Inspectors; which said Inspectors shall be appointed in Manner following; that is to say, The Courts of the several Counties within this Province, wherein any of the Public warehouses appointed by this Act are established, shall and may, and they are hereby required, once in every year, between the First Day of March, and the last Day of August, Yearly, to nominate and appoint, for each of the Public Warehouses within their Counties, Two Fit and able Officers of Inspection, reputed to be skillful in Tobacco, for the Office of Inspectors; which Nomination and appointment, the said Courts shall cause to be entered upon Record, which shall be sufficient Appointment of such Officers: And also, in case of the Death, Resignation, or Removal, of any Inspector, the said Court shall and may nominate and appoint another to succeed him, until the next Nomination of Inspectors.

XI. And be it further Enacted, That if any Inspector shall hereafter accept, receive, or take, directly or indirectly any Fee, Gratuity, Service, or Reward whatsoever, of any Person for resigning or giving up his Office of Inspector, he shall not only be disabled for ever from holding the like Office, but for such Offence shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt, with Costs, in any Court, where the said Sum is cognizable; and every Person offering and paying, directly or indirectly, any Fee, Service, Gratuity, or Reward whatsoever, to any Inspector to resign his Office, shall, for the said Offence, be for ever disabled from holding the Office of Inspector within this Province.

XII. Provided always, That no Justice of the Peace, being Inspector, or recommended to be an Inspector, shall have, or be allowed to vote in the Nomination and appointment of Persons to be Inspectors as aforesaid.

XIII. Provided also, That every Person appointed, or to be appointed an Inspector, by Virtue of this Act, shall, before he enters upon the Execution of the said Office, enter into Bond, with good Security, in the Penalty of One Hundred Pounds, Proclamation Money, payable to his Majesty, his Heirs and Successors; with Condition for the True and faithful Performance of his Duty, according to the Directions of this Act; and shall also take the following Oath, to-wit: You shall swear, that you will, diligently and carefully, view and examine all Tobacco brought to any Public Warehouse whereof you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and inspect, and that not separately and apart from your Fellow, but in his Presence; and that you will not receive any Tobacco, that is not in your judgment sound, well conditioned, merchantable and

clear of Trash, nor receive, Pass, or Stamp, any Tobacco Hogshead, or Cask of Tobacco, prohibited by an Act of Assembly, intituled, An Act, to restrain the Exportation of Bad and Unmerchantable Tobacco, and preventing Frauds in his Majesty's Customs; and that you will not change, alter or give out any tobacco, other than such Hogshead or Cask for which the receipt to be taken in was given; but that you will in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the best of your Skill and Judgment, and according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality. So Help you God. Which Oath shall and may be taken before the County Court wherein such Inspector shall reside; and if any Person shall presume to execute the Office of Inspector, before he shall have given such Bond, and taken such Oath as aforesaid, he shall forfeit and pay Fifty Pounds, Proclamation Money.

XIV. And be it further Enacted, That all Inspectors to be appointed by Virtue of this Act, shall constantly attend their Duty at the Warehouse under their Charge, from the First Day of November to the Twentieth Day of December, and from the Tenth Day of March, to the First Day of May, Yearly, unless otherwise directed by the County Courts, and at other Times they, or one of them, shall attend to deliver out Tobacco for Exportation, till all the Tobacco remaining there on the said first Day of May, shall be so delivered; and every Inspector neglecting to attend as aforesaid, except as before excepted, shall forfeit and pay, to the Party grieved, Five Shillings for every Neglect, or shall be liable to the Action, upon the Case of the Party grieved, to recover such Damages as he or she shall have sustained by Occasion of such Neglect, together with his or her full Costs, at the Election of such Party: And all Inspectors shall uncase and break every Hogshead and Cask of Tobacco brought to them to be Inspected as aforesaid; and if they shall agree that the same is good, sound, well conditioned merchantable, and clear of Trash, then such Tobacco shall be weighed in Scales, with Weight or Steelyards, of the Lawful Standard and the Hogshead or Cask shall be stamped and marked with an Iron, in the Presence of the said Inspectors or one of them, with the Name of the Warehouse at which the Tobacco therein contained shall be viewed and inspected as aforesaid; and also the Tare of the Hogshead or Cask, and Quantity of Nett Tobacco therein contained; But if the said Two Inspectors shall at any Time disagree concerning the Quality of any Tobacco, brought for their Inspection at any Warehouse under their Charge, they shall without Delay, as soon as conveniently may be, call from the next adjacent Warehouse or Inspection, another Inspector, who shall determine the Difference, and pass or reject such Tobacco; and where any Inspector shall happen to be sick and unable to attend his Duty, in that Case it shall be lawful for any Inspector, at any adjacent Warehouse, to view, inspect, and pass Tobacco in his Room; and when any Inspector shall bring his own Tobacco to the Warehouse whereof he is Inspector, the same shall not be passed or stamped unless it be first viewed, examined, and found qualified and good as aforesaid, by the other Inspector there attending, and by one or both of the Inspectors from the next adjacent Warehouse, as the Case shall require: And if any Person appointed an Inspector as aforesaid, during his Continuance in Office, shall depart this life, in that Case it shall be lawful for any Inspector called from an Adjacent Warehouse, to view, inspect, and pass all such Tobacco, as shall be brought to the Warehouse whereof such deceased Person was Inspector, before the next Court to be held for the County wherein such Warehouse shall be; which Court is hereby

authorized and required, to nominate and appoint another Inspector to succeed the Person deceased.

XV. And be it further Enacted, That if any Tobacco shall be Brought to any of the said Warehouses, for the Discharge of any Public or Private Debt or Contract, the Inspectors after they have viewed, examined, and weighed the same, according to the Directions of this Act, shall be obliged to deliver to the Person bringing the same, as many Promissory Notes, under the Hands of the said Inspectors, as they shall be required, for the full Quantity of Tobacco reviewed by them; in which shall be expressed whether the Tobacco so received be sweet scented or Oronoko; Stemmed or Leaf; which Notes shall bear Date the Day the Tobacco for which the same is given shall be viewed and passed, and shall and are hereby declared to be current in Tobacco Payments, according the species expressed in such Notes, and shall be transferable from one to another in all such Payments, and shall be paid and satisfied by the Inspectors who signed the same, upon Demand: And for every Hogshead of Tobacco brought to any Public Warehouse for the Discharge of any Public or Private Debt, in good Cask, of such Dimensions as herein after expressed, there shall be allowed by the Inspector thereof to the Person, bringing the same, after the Rate of Four Pounds of Tobacco for every Hundred Pounds the Tobacco therein contained shall weigh, after the same shall be viewed and passed, so as such Allowance does not exceed Thirty Pounds of Tobacco for each Hogshead; and the Inspectors shall, and they are hereby obliged, to make every Hogshead by them paid away in Discharge of any such Notes by them given, to contain Nine Hundred and Fifty Pounds of Nett Tobacco, at the least; and for every such Hogshead of Tobacco by them paid away, well lined and nailed, fit for shipping, there shall be paid by the Person receiving the same, Five Shillings for Inspecting, and six Pence for Nails; which said Sum of Six Pence the said Inspectors shall and may retain in their Hands for their own Use, to reimburse them the Expence of Providing Nails; and the Person demanding or receiving Tobacco in Discharge of Notes as aforesaid, shall allow to the Inspectors Thirty Pounds of Tobacco for each Hogshead so received, for the Cask and Two Pounds of Tobacco for every Hundred Pounds of Tobacco contained in such Notes and proportionably for a greater or lesser Quantity, for Shrinkage and wastage, if the said Tobacco be paid within Two Months after the Date of the Note given for the same, and One Pound of Tobacco for every Hundred for every Month the same shall be unpaid after the said Allowance, so as such allowance for Shrinkage and Wastage does not exceed in the Whole Six Pounds of Tobacco for every Hundred: And if any Inspector or Inspectors by whom any such Notes for Tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same when demanded; every Inspector so delaying or refusing, shall forfeit and pay, to the Party injured, double the Value of the Tobacco so refused or delayed to be paid; to be recovered with Costs in any Court within this Province wherein the same is Cognizable, if the Note or notes do exceed Two Hundred Pounds of Tobacco; and if the said Note or Notes do not exceed Two Hundred Pounds of Tobacco, the double Value as aforesaid shall and may be recovered before any Justice of the Peace of the County wherein the Warehouse shall be, at which the Note or Notes ought to be paid. And no Inspector or Inspectors shall mix Stemmed and Leaf Tobacco in any Hogshead which they shall Prize and pay away in Discharge of any Transfer Notes by him or them given.

XVI. And be it further Enacted, by the Authority aforesaid, That all the Tobacco brought to any of the said Warehouses in Hogsheads or Casks, to be exported as aforesaid, on Account of, and for the Use of the Owner thereof,

after the same shall have been viewed, examined and weighed, and found to be good, shall be stamped as herein before directed; and the said Inspectors shall deliver to the Person bringing the same, as many receipts, signed as aforesaid, as shall be required, for the Number of Hogsheads so brought and Stamped, in which shall be expressed whether the Tobacco so received be sweet scented, or Oronoko, Stemmed or Leaf, and whether the same is Tied in Bundles or not; and for every Hogshead and Cask brought to, any of the said Warehouses to be exported, on Account of, and for the Use of the Owner thereof, there shall be paid to the Inspector there attending, Three Shillings for Viewing, examining, and stamping the same; and the Owners of the said Tobacco shall provide Nails for the nailing thereof: And if any of the Inspector or Inspectors shall alter, change, or deliver out any Hogshead or Cask of Tobacco, other than the Hogshead or Cask for which the receipt to be taken in was by them given; such Inspector or Inspectors shall not only forfeit and pay the Double Value of such Hogshead or Cask so altered, changed, or delivered out, but he or they shall moreover forfeit his or their Bonds, respectively, given for the Due Execution of his or their Office; and all Inspectors shall, and they are hereby obliged and required, to take in any Receipt or Receipts by them given for Tobacco, and after having weighed such Tobacco, to give Transfer Notes for the same, with an Allowance of Four Per cent. for the Cask, so as such Allowance does not exceed Thirty Pounds of Tobacco for every Cask.

XVII. And be it further Enacted, That during the Continuance of this Act, no Tender of any Debt or Duty payable in Tobacco shall be accounted lawful, unless such payment of the same be tendered in Inspectors Notes or Receipts, nor shall any crop Notes, or Receipts, of an Older Date than Eighteen Months, be a lawful Tender in any Case whatsoever.

XVIII. And for restraining the Undue Practice of mixing Trash with Stemmed Tobacco, and preventing the packing Tobacco in unsizable Casks; Be it Enacted and Declared, That all Stemmed Tobacco not laid strait, whether the same be packed Loose, or in Bundles, shall be accounted unlawful Tobacco; and that no Tobacco packed in Hogsheads which exceed eight and Forty Inches in the Length of the Stave, or Thirty Inches at the Head within the Crow, (making an Allowance of Two Inches in the Prizing Head for Prizing) shall be passed or received; but the Owner of such Tobacco packed in Casks of greater Dimensions than before expressed, shall be obliged to repack the same in sizable casks, at his own Costs and Charge, before the same shall be received and stamped by the said Inspectors.

XIX. And be it further Enacted, That when any Tobacco shall be brought to any Public Warehouse, and refused by the Inspectors there officiating, the same shall be immediately burnt by them, unless the Owner or Person bringing such Tobacco desires to sort and separate the same, and to pick out such as is bad; in which Case the Inspector shall permit the same to be done at the Warehouse to which the said Tobacco shall be brought without Fee or Reward, but shall not on any Pretence, suffer the said Tobacco to be removed or carried from the said Warehouse; and the said Inspectors shall allow One Month for separating and picking such Tobacco; after which Time if the same be not done, it shall be lawful for them to burn the whole (except where the same is in a sweat, or where the Circumstances or Accidents of Weather may have prevented the handling of it) in which Case the Inspectors shall allow such Further Time as they shall think reasonable: And where any Tobacco shall be separated and picked as aforesaid, the Trash Tobacco shall be burnt by the Inspectors on the same Day it is picked out; under the Penalty of forfeiting Five Shillings for every Failure to the

Informer; to be recovered by a Warrant from a Justice: And if any Tobacco packed in Casks by an overseer, or the hands under his Care, shall be burnt by the said Inspectors, by Reason of its being Bad, unsound, or not in good Condition, the Overseer who had the care of Making and packing the same, shall bear the loss of the Tobacco so burnt; and make satisfaction for the same out of his snare of the Crop, or otherwise; and the Inspectors shall be obliged to keep an Account of all Tobacco so burnt; And if any Tobacco shall remain undemanded in a Public Warehouse Three Years after the same is inspected the Inspectors at such Public Warehouse, shall advertise a List of the Marks, Numbers, and weights of such Tobacco, at the Court of their County, Two Courts successively, next after the Expiration of Three Years as aforesaid, and if no Owner appears to claim the same within that Time, the Court is hereby impowered and required, to order the said Tobacco, to be sold Publicly, at the Court House Door, on the last Day of the same Court that the same shall be so advertised, to the highest Bidder, and the Money arising from the Sale thereof, shall be accounted for by the Inspectors for the Time being, in their Accounts with the Court, and by the Court applied to the Use of the County; and if any Person having a Right in any Tobacco so sold, shall prove his property therein, the Court shall repay to such Person the Money for which the Tobacco was sold.

XX. And to the end that a just quantity of tobacco Exported may be more exactly known, and every evil Practice to defraud his Majesty of his Customs prevented; Be it Enacted by the Authority aforesaid, That all Inspectors shall carefully enter in a Book, to be provided and kept, for that purpose, the Marks, Numbers, Gross, Nett Weight, and Tare, of all Tobacco viewed, and stamped by them as aforesaid, and in what Ship or Vessel the same shall be laden or put on Board; and shall also with every Sloop, Boat, or Pettiagua, load of Tobacco, send a List of the Marks, Numbers, Gross, Nett Weight, and Tare, of every Hogshead of Tobacco then delivered, to be given to the said Master of the Ship or other Vessel in which the same shall be put on Board; and if the Tobacco delivered to the same, Sloop, Boat, or Pettiagua, is intended to be put on Board several Ships, or Vessels, then they shall deliver so many Distinct and several Lists as aforesaid, of the Hogsheads to be put on Board such Ships or Vessels respectively; which Lists every Master of a Ship or Vessel, is required to produce to, and lodge with the Naval Officer of the District where the Ship, or Vessel whereof he is Master shall ride, or by whom he shall be cleared, sometime before her Clearance: But whereas it may happen that the Ship in which such Tobacco was intended to be put, may be so full as not to be able to stow all the Tobacco contained in such List; in such case it shall and may be lawful to ship the said Tobacco, or any part thereof, on Board any other Ship or Ships, where the Owner thereof shall think fit; the Master of such Ships, endorsing on the said Lists, the Marks and Numbers, of the respective Hogsheads by them taken on Board, and giving Notice to the Inspectors of the Warehouses from whence the same was brought; or if there be no Ship to receive the said Tobacco, then it shall and may be lawful for the Master of the first Mentioned Ship, or Vessel to put the said Tobacco in to any Warehouse in the District where such Ship shall ride, giving Notice thereof to the Inspectors who stamped the same; and the Inspectors of that Warehouse where such Tobacco shall be delivered, shall give a Receipt for the same, and shall cause the said Tobacco to be safely lodged, and delivered to the Order of the Owner, whenever he or she shall think fit to ship it off, and that without Fee or Reward.

XXI. And be it further Enacted, That if any Person whatsoever shall forge

or Counterfeit the Stamp, Note or Receipt, of any Inspector, or tender in Payment any such Counterfeit or forged Note, or Receipt, knowing it to be such, or export, or cause to be exported, any Hogshead or Casks of Tobacco, stamped with a Forged or Counterfeited Stamp, or demand Tobacco of any Inspector upon such Forged or counterfeited Note, or Receipt, knowing such Note or Receipt or Stamp to be forged and Counterfeited; or shall put or pack into any Hogshead or Cask of Tobacco, stamped by any Inspector, any Tobacco whatsoever, or draw or take out any Stave, Plank, or Heading Board, so stamped as aforesaid, of any Hogshead or Cask of Tobacco, after such Hogshead or Cask of Tobacco shall be delivered out from any of the Public Warehouses aforesaid; every Person so offending, and being thereof convicted by due Course of Law, shall be adjudged a Felon, and shall suffer as in case of Felony.

XXII. And be it further Enacted, by the Authority aforesaid, That if any Inspectors Notes or Receipts be casually lost, mislaid or destroyed, the Person or Persons intitled to receive the Tobacco by Virtue of any such Note or Receipt, shall make Oath, before a Justice of the Peace of the County where the same is payable, to the Number or Date of every such Note or Receipt, to whom and where payable, and for what Quantity of Tobacco, the same was given, and that such Note or receipt is lost, mislaid, or destroyed, and that he, she or they, at the Time such Note or Receipt was lost, mislaid, or destroyed, was lawfully intitled to receive the Tobacco therein mentioned, and shall take a Certificate thereof from such Justice and upon producing a Certificate of such Oath to the Inspectors who signed such Note or Receipt, and lodging the same with them, the said Inspectors shall, and are hereby required, to pay and deliver to the Person obtaining such Certificate, the Tobacco for which any such Notes or Receipts were given, (if the same or any Part thereof shall not have been before by them paid by Virtue of the said Notes or Receipts), and shall be hereby discharged from all Actions, Suits, and Demands, on Account of such Notes or Receipts: And if any Person shall be convicted of making a false Oath, or producing a forged Certificate in the Case aforesaid, knowing the same to be forged, he shall forfeit and pay Twenty Shillings, for every Hundred Pounds Weight of Tobacco contained in such Certificate; recoverable before any Jurisdiction where the same is cognizable; and moreover upon Conviction, shall suffer as in Case of willful and Corrupt Perjury.

XXIII. And be it further Enacted by the authority aforesaid, That all County and Parish Taxes already imposed, or hereafter to be imposed, and which shall, be due and payable at any Time, after the Commencement of this Act, may be paid and discharged in transfer Notes, after the rate of One Penny Proclamation Money, per Pound, for each Hundred Pounds weight of Tobacco, contained in such Note, and so proportionably for a greater or lesser Quantity; and the Sheriff or other Collectors of the said County and Parish Taxes, shall, on or before the Tenth Day of June, annually, pay all such Inspectors Notes as they shall receive, (deducting the Commissions by Law allowed them) to the several County and Parish Creditors to whom the same are due and Payable.

XXIV. Provided nevertheless, That no Collector of any County or Parish Taxes, shall take or receive any of the said Transfer Notes, in Discharge of any of the said Taxes, unless the Party owing the same, shall tender such Notes on or before the First Day of May, in the Year such Taxes are and shall be due and owing.

XXV. Provided also That no Transfer Notes of the preceding Year, shall pass in any such Payment.

XXVI. And be it furter Enacted by the Authority aforesaid, That every Sheriff and other Collector of any County or Parish Taxes within this Province, shall, on or before the Tenth Day of June, Yearly pay and satisfy every Creditor of the County or Parish whereof he is Collector, all such Sums as shall be Due and owing to such Creditor, and for which a Tax shall be laid by the County Court or Vestry, for defraying thereof; and if any Sheriff or other Collector shall refuse or delay to make Payment accordingly, it shall and may be lawful for every such Creditor, on a Motion made in any Court wherein the Demand is Cognizable, the next succeeding Court thereafter, to demand Judgment against such Sheriff or other Collector, for the Debt due to such Creditor, and wherewith such Sheriff or other Collector is chargeable; and such Court is hereby authorized and required, to give judgment for such Creditors Debt, with Costs, and to award Execution thereupon: Provided the Sheriff or other Collector shall have Ten Days previous Notice of such Motion.

XXVII. And be it further Enacted, by the Authority aforesaid, That Public Warehouses, for Inspection of Tobacco, pursuant to this Act, shall be kept at the several Places herein after mentioned; that is to say.

In Pasquotank, at Mr. Thomas Relf's, where the Warehouse now is.

In Perquimans, at the Court House on the Lands of Jonathan Phelps.

In Chowan, at Edenton, and on Bennet's Creek, on the Land of John Alston.

In Bertie, upon Chowan River, on the Land of John Campbell, near Jackson's Ferry.

And upon Cushie River, on the Land of Thomas Whitmill, where the Warehouses formerly were.

In Northampton, at the Pitch Landing, Raglan's, and Buckston's.

In Edgecomb, at Elbeck's Land on Roanoke, William William's, at Kehukey, and at Howel's, on Tar River.

In Beaufort, at the Red Banks, and at Bath Town, where the Warehouses now are.

And there shall be paid to the several Inspectors to attend and attending the said several Warehouses, the Salaries herein after mentioned; that is to say, to each of the Inspectors at Relf's, Six Pounds; at Phelps's Seven Pounds; At Edenton, Six Pounds; at Alston's, Seven Pounds; at the Pitch Landing, Fifteen Pounds; at Raglan's and Buckston's, both under one Inspection, Fifteen Pounds; at Elbeck's, Fifteen Pounds; at Kehukey and Howel's, both under one Inspection, Fifteen Pounds; at Campbell's Six Pounds; at Whitmill's, Five Pounds; and at the Red Banks and Bath Town, both under One Inspection, Eight Pounds, Proclamation Money.

XXVIII. And be it further Enacted, That at all the said Warehouses there shall be paid and allowed for the Rent of the same Eight Pence, Proclamation Money, for every Hogshead of Tobacco that shall be received, inspected, and delivered out of such Warehouses respectively.

XXIX. And be it further Enacted, That it shall and may be lawful for the Justices of the Respective County Courts, wherein any of the said Warehouses are appointed, and they are hereby required, to value an Acre of Land at every Place within their County where Public Warehouses are by Virtue of this Act directed to be built, and to agree with any Person or Persons, for erecting and building thereon, such Warehouses, Wharfs, and other Conveniences, as shall be necessary, and to take Bond, with good Security, from such Person or Persons, for performing such Agreement; and the said Justices shall pay the Owner of the said Land the Money, at which the same shall be valued as aforesaid; and upon paying or tendering thereof, the Justices of the said County for the Time being shall, from thenceforth, have an Estate,

in fee Simple, in such Land, during the Time such Place shall be made use of for a Public Warehouse; And the said Justices shall, and are hereby empowered and authorized, to levy the Charge and Expense thereof, upon the Inhabitants of their County, and shall take and receive the Rents of the Tobacco which shall be received and inspected at the said Warehouses in Pursuance of this Act, for reimbursing the said County the Charge of Purchasing the said Land, and building thereon: And where the Justices of any County Court have already built Warehouses upon the Lands of another person, by virtue of any Laws heretofore in Force, the said Justices shall in like Manner be seized, in Fee, of the Acre of Land upon which such Warehouses are built, so long as the said Places respectively shall be made use of for Public Warehouses; but if any of the said Places whereon Warehouses are or shall be Built by the Justices, hereafter happen to be discontinued, the Proprietor of the Land shall be, from Thenceforth, seized of his Former Estate.

XXX. Provided nevertheless, That nothing herein contained, shall be construed to give Power to the said Justices, to take away the House, Orchards, or Other Immediate Conveniences of any Proprietor of Land, for the Uses or Purposes, aforesaid; And the Justices of the Peace of the several Counties wherein any of the said Warehouses, are by this Act appointed, within their County Court, shall, and are hereby declared, to have full Power to put in Execution, so much of this Act, as relates to the Building and erecting of Public Warehouses, and to regulate all matters concerning the same, and to direct the rebuilding and repairing of such Houses, Wharfs, and other Conveniences, from Time to Time, as to them shall seem necessary and Expedient; and if upon the Application, of the Inspectors of their County Courts, for building and making other Necessary Houses, Wharfs, and Repairs, such County Court shall refuse or Fail, to do their Duty therein, every such Justice so refusing or failing, shall forfeit and pay Five Pounds Proclamation Money; to be recovered in any of the Supreme Courts, with Costs, by Action of Debt, or Information, against such Justices jointly.

XXXI. And be it further Enacted, That if any of the Warehouses herein before mentioned, shall happen to be burnt by Accident the Loss sustained thereby shall be made good and repaired to the Persons injured, by the several Counties wherein such warehouses are by this Act directed and appointed to be built, and be levied on the Counties by the Courts thereof, at the Time of laying their County Levy next after such Loss shall happen, in Proportion to the Taxable Persons in each of the said Counties: And in Case of such Accidents, no Inspectors shall be sued or molested, for or by Reason of any Promissory Notes or Receipts by them given for any Tobacco burnt in the said Warehouses, but shall be altogether acquitted and discharged of and from the Payment of the Tobacco in such Notes or Receipts mentioned; any Thing hereinbefore contained to the Contrary notwithstanding.

XXXII. And be it further Enacted, by the Authority aforesaid, That there shall be kept, at every one of the said Warehouses hereinbefore appointed, and at all others hereafter to be appointed, a good and sufficeint pair of Scales, with weights, or a pair of good Steelyards, to weigh Twelve Hundred Pounds at the least; and where such Scales and weights, or Steelyards are not already provided, or now are, or hereafter shall be worn out and become unfit for Use, the Justices of the respective County Courts wherein any of the said Warehouses shall be erected, are hereby directed and required, to provide the same, at the Expence of their respective Counties; and moreover the said Justices are hereby required and directed, once in every Year at the least, to appoint one or more of their Number to view the said

Scales, or Steelyards, and examine and try the Weights of the Scales, at the several Warehouses, by the Standard Weights of the County: And if the said Scales or Weights, or Steelyards, shall be found to want repairing, or the weights to be found deficient or differing from the lawful Standard, the said Justices shall cause the same to be repaired and amended, and the weights made conformable to the Standard; and if the Justice or Justices so appointed, shall refuse or neglect to do the same, the Justice or Justices so refusing or neglecting, shall forfeit and pay the Sum of Twenty Shillings Proclamation Money; and the Charge of repairing and amending the said Scales, and weights, or Steelyards, and also for removing the Standard to the several Warehouses for trying the same, shall be paid by the Inspectors respectively, and be again allowed to them in their Account with the Court.

XXXIII. And be it further Enacted, That any Justice of the Peace of any County near the Place where any Ship or other Vessel shall ride, upon Complaint made to him by any Person, that suspects any Tobacco is put on Board any Ship, or other Vessel, in Hogsheads, Casks, or Packages, or in Bulk or Parcels, in order to be shipped off, and exported as aforesaid, without being inspected, shall, and is hereby required, to issue his Warrant, directed to the Sheriff, under Sheriff or any Constable of his County; and the Sheriff, under Sheriff or Constable, shall have full Power and Authority, and he is hereby required to enter and go on Board such Ship or other Vessel, to search for and seize such Tobacco; and the same being seized, shall be brought on Shore, and carried before the same, or any other Justice, who shall cause the same to be immediately burnt, by such Sheriff Under Sheriff or Constable; And if any Master or Commanding Officer of any Ship or Vessel, or any other Person whatsoever, shall resist the Officer in the Execution of any such Warrant, every such Master or Commanding Officer shall forfeit and pay Fifty Pounds, Proclamation Money; and every Skipper, Sailor, or other Person, so resisting, shall forfeit and pay Ten Pounds, like Money: And if any Action shall be brought against any Justice of the Peace, Sheriff, Under Sheriff or Constable, for doing any Thing in Execution of this Act, the Defendant may plead the General Issue, and give this Act in Evidence; and if the Plaintiff shall be non-suit, or a Judgment pass against him, upon a Verdict or demurrer, the Defendant shall recover double Costs.

XXXIV. And be it further Enacted by the Authority aforesaid, That no Person taking upon himself the Office of Inspector, shall during his Continuance therein, or within One year after he shall be out of his said Office, being capable of being elected a Member of the House of Assembly, nor shall directly or Indirectly, by himself or any other Person, buy or receive, by way of Barter, Loan, or exchange, any Tobacco whatsoever; under the Penalty of forfeiting Twenty Shillings, Proclamation Money, for every Hundred weight of Tobacco so bought or received.

XXXV. Provided always, That nothing herein contained shall be construed to hinder any Inspector from receiving his Rents in Tobacco; which shall be first viewed, examined, and stamped, according to the Directions of this Act.

XXXVI. And for the better Direction of the Inspectors aforesaid in their Duty, Be it Enacted, That no Inspector shall take, accept or receive, directly or indirectly, any Gratuity, Fee or Reward, for any Thing by him to be done in Pursuance of this Act, other than his Salary, and the other allowances hereinbefore mentioned and expressed; and if any Inspector shall take, accept, or receive, any such Gratuity, Fee, or Reward, every such Inspector, being thereof convicted, shall forfeit and pay Fifty Pounds, Proclamation Money; to be recovered with Costs, by any Person or Persons, who shall inform and sue for the same, by Action of Debt, Plaint or Information, in any

of the Supreme Courts of this Province; and moreover shall be disabled from holding the Office or Place of an Inspector, during the Continuance of this Act; And if any Person or Persons shall offer any Bribe, Reward, or Gratuity, to any Inspector, for any Thing by him to be done in pursuance of this Act, other than the Fees and allowances hereinbefore mentioned and appointed; every Person so offending, and being thereof convicted, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered in any Court of Record within this Province: One Half of which said Forfeiture shall be to our sovereign Lord the King, his Heirs and Successors, for and towards supporting the Contingent Charges of this Province, and the other Half to the Person or Persons who will inform and sue for the same.

XXXVII. And be it further Enacted, That when any Person shall be intitled to receive any Hogshead of Tobacco, by Virtue of any Inspectors' Notes or Receipts, the Inspectors shall be obliged to open the Hogshead, and shew such Tobacco to the Person demanding the same, if required, whether such Tobacco be Crop or Transfer; and if such Person shall refuse to accept of the Tobacco offered or tendered him in Payment, as bad, unsound, and unmerchantable, such Person, so refusing, and not accepting thereof, shall make immediate application to any Three Justices, near or nearest to the Warehouses at which the Tobacco so refused shall be offered or tendered in payment, who are no wise related to the Parties, nor concerned in Interest; and the said Justices shall take an Oath, before some other Justice of the said County (which Oath such Justice is hereby impowered and required to administer) carefully to view and examine the said Tobacco, and to the best of their Skill and Judgment, not to pass any Tobacco that is not sound and well conditioned, merchantable and clear of Trash, according to the Directions of the said Act, and that they will therein do their Duty according to their Judgment and conscience, without Fear, Favour, Affection, Malice or Partiality; which said Three Justices so sworn, are hereby directed, impowered and required, upon such Application, to repair to the Warehouse where such Tobacco shall be offered or tendered in Payment, and carefully to view and examine the same, in such manner as they shall think fit; and if any Two of them shall adjudge the Tobacco so tendered in payment, to be bad, unsound, and unmerchantable, to cause the same to be immediately burnt, without being picked or separated; and for their Trouble, the said Three Justices who shall be present at such View, shall be paid by the Inspector, or Inspectors who offered the same in Payment, Five Shillings, Proclamation Money, each; and if the said Justices or any Two of them, shall adjudge the said Tobacco so tendered or offered in Payment, to be good, sound and merchantable, according to the Directions of this Act, the said Justices so attending, shall be paid, by the Party desiring such View, Five Shillings, as aforesaid, And when any Tobacco shall be offered or tendered in Payment by any Inspector, and refused, the said Inspectors, shall not be at Liberty to tender, or offer in Payment, nor the Person demanding the same, to receive any Tobacco in lieu thereof, before or after such Tobacco shall have been viewed as aforesaid, but the Person refusing, shall immediately Mark the same; and if any Inspector shall offer or tender in Payment any Tobacco in Lieu of the Tobacco so refused before the same shall have been viewed as aforesaid, or shall not produce the same Tobacco so refused to the said Justices; in either Case, it shall be taken for a Conviction, that the Tobacco first tendered in Payment was Bad, unsound, and unmerchantable; and moreover, the said Inspectors shall Forfeit and pay Ten Pounds for every such Offence: And if any Person who shall refuse any

Hogshead of Tobacco as aforesaid, shall accept or receive another Hogshead, in Lieu of that refused, before such Hogshead so refused shall be viewed as aforesaid, he shall forfeit and pay Ten Pounds for every such Hogshead.

XXXVIII. And be it further Enacted, That when any New Inspector or Inspectors shall be appointed at any of the said Warehouses such Inspector or Inspectors shall, and they are hereby required, to give to the Person or Persons whom they shall succeed, a Receipt, with his or their Hands subscribed, containing the Numbers, Marks, Tare, Gross, and Nett Weight, of all and every Hogshead or Cask of Tobacco which shall be then remaining at the Warehouse or Warehouses at which they were appointed Inspectors; with the Delivery and Payment of which said Hogsheads or Casks of Tobacco so remaining, he or they shall, from thenceforth, be chargeable and liable, but he or they shall in no wise, be accountable or answerable for the Loss of Weight, or for Quality, of Tobacco contained in any Hogshead for which such Receipt was by him or them so as aforesaid given: And if any Hogshead or Cask of Tobacco shall hereafter be received by any Person, or Persons whatsoever, and delivered out of any of the said Warehouses for Exportation, by the Inspector or Inspectors attending the same, such Inspector or Inspectors, from the Time of such Delivery, shall be forever discharged and acquitted from all Actions, Costs and Charges, for or by Reason of the Tobacco contained in any such Hogshead or Cask being unsound and unmerchantable, or of less Quantity than the Notes or Receipts given for the same; anything herein contained to the contrary notwithstanding. And when any Prized Tobacco shall be brought to any Public Warehouse, in order to be shipped on Freight, and the Inspectors there attending shall refuse to pass such Tobacco, as bad and Unmerchantable, and such as is bad and unmerchantable, shall be picked and separated from the rest; or where any Light Crop Tobacco shall hereafter be brought to any of the said Warehouses; in either Case, the said Inspectors, if required, shall permit, the Owner or other Person bringing such Tobacco, to make Use of One or more of their Prizes, for the repacking, prizing, or making heavier such Tobacco, without Fee or Reward, And if there shall be several Hogsheads of Tobacco belonging to several Owners, to be picked, repacked, reprized, or made heavier, at any Public Warehouse, the Owner or other Person, bringing the same, whose Tobacco shall be first viewed, and refused, or found light, shall be first permitted and allowed to make Use of such Prize or Prizes; and the same Rules shall be observed in the Prizing all Tobacco which shall be picked, repacked, reprized, or found Light, as aforesaid: And for all Tobacco repacked, or reprized, by the Owner thereof, or the Servants and Slaves to him belonging, there shall be paid to the Inspectors thereof, only Three Shillings, for stamping; and for all Tobacco repacked and prized by the Inspectors Five Shillings for each Hogshead; and also Six Pence for Nails, unless the Proprietor shall provide and find Nails: And no Inspector shall take or convert to his Use, or otherwise dispose of, any Draughts or Samples of Freight and Crop Tobacco, but the same (if fit to pass) shall be put into the Hogshead out of which it was drawn, under the Penalty of Forfeiting Twenty Shillings for every Draught so taken away contrary to the Directions of this Act; to be recovered before any Justice of the Peace of the County wherein such Offence shall be committed: And all Inspectors, if required, shall alter the Mark and Number, of any Hogshead of Tobacco for which they have before given a Receipt; and for preventing Confusion and Mistakes, shall keep a Waste Book, in which shall be entered the Marks and Numbers of all hogsheads of Tobacco received by them and another book in which shall be entered the marks and numbers thereof, when the same

shall be delivered out by them: And all the Inspectors when required, shall be obliged to prize any Hogshead of Tobacco, under Nine Hundred and Fifty Pounds Nett, so as to make it up that Weight, but shall receive the same Fee, upon such Hogshead, as for Transfer Tobacco, and may make the lawful abatement of the Tobacco Prized in: And where any Tobacco shall be brought to, any Warehouse by the Overseer of the Owner thereof, the Inspectors shall give Notes or Receipts in the Name of the Owner, and not the Overseer.

XXXIX. And be it further Enacted, That the Owner of any Transfer Notes may, at any Time before the First Day of October in every Year, receive and Mark Hogsheads of Tobacco, for satisfying such Notes, and the Inspectors, shall take in their Former Notes, and deliver Crop Notes and Receipts for such Hogsheads, and shall be answerable for the safe Keeping thereof, in the same Manner as they are for Crop Tobacco; but the Person receiving such Hogsheads, shall pay to the Inspectors Five Shillings, and Six Pence, for the Inspection, and Nails, for every Hogshead; that is to say, Two Shillings and Six pence down, and Three Shillings when the Tobacco shall be delivered: And the Inspectors shall, at the Court held for their County next after the First Day of October yearly, lay before the Court an Account, on Oath, of all the transfer Notes that were not by them taken in, and received before, the said First day of October; and after such Account exhibited, and Oath Made, shall sell the Tobacco in such Notes contained, deducting the Allowance for Shrinkage and Wastage, at Public Auction, at the Door of the Court House, between the Hours of Twelve and Three; and the Inspectors shall pay the Money arising by such Sale, in Satisfaction of their Notes from Time to Time, to the Proprietors thereof, making their Demand, under the same Penalty as is inflicted for not paying Inspectors Notes: And all Inspectors shall keep a Just and True Account of the Tobacco gained or saved, upon the Allowance for Cask, and for Shrinkage of Transfer Tobacco; and if any Tobacco shall be gained or saved, shall exhibit an Account thereof, upon Oath, in the Same Manner as is before directed concerning Transfer Tobacco not received; and shall also sell the Tobacco so gained and saved, in the same Manner as is directed for the Sale of Transfer Tobacco; and shall account for the Money arising by such Sale, to their County Court, in their next Account with the Court; and no Inspector shall convert any Tobacco so gained to his Own Use.

XL. And be it further Enacted, by the Authority aforesaid, That all Inspectors shall, annually at the next Court which shall be held for their County after the First Day of October, account with the said Court, upon Oath, for all Monies received or which shall or ought to be received by them, by Virtue of this Act, (except the Money paid for Nails) in which Account they shall be allowed their Salaries, and other Necessary Disbursements, in Pursuance of this Act.

XLI. And for the Better detecting of Inspectors who shall not do their Duty, and the more Speedy and Easy Examination into Complaints against them; Be it further Enacted, That any Two Justices of the Peace, not being Inspectors, shall have full Power to hear all Complaints against any Inspector within their County, and to take the Deposition of Witnesses upon the Matter of such Complaint, on both sides, which shall be transmitted by them to their County Court, for their Determination; and moreover any Two Justices shall have Power to visit all or any of the Public Warehouses within their County; and if they shall discover any Neglect in the Inspectors either in securing the Tobacco, or in stowing the same away in a Proper Manner, for saving the Room in such Houses, or that they do not keep a sufficient

Number of Hands for dispatching the Business, or do not attend according to the Directions of this Act, and the Court, or that they are Guilty of any other Breaches of their Duty, the said Justices shall certify the Court thereof; and if any Inspector shall be adjudged guilty of a Breach of his Duty, he shall be removed by the Court, and another appointed to succeed him, and shall forever after be incapable of serving as an Inspector; And if any Inspector shall be removed from his Office, upon a Complaint and Prosecution, against Him, in the Method by this Act prescribed, he shall be liable to the Action on the Case of the Prosecutor, for his necessary Costs and Expenses, in such Prosecution, in which the Prosecutor, shall recover his full Costs of Suit; and every such Inspector shall moreover be liable to the Action of the Party Grieved, for all Loss and Damage that may happen or arise to any Person, by Occasion of any Failure of Duty or neglect of Any Such Inspector; in which Action, the Plaintiff shall recover his Costs, altho' the Damages do not exceed Twenty Five Shillings.

XLII. And be it Enacted, by the Authority aforesaid, That all the Penalties and Forfeitures in this Act contained, and not hereinbefore particularly appropriated, shall be, one moiety to our Sovereign Lord the King, his Heirs and Successors; to be applied towards defraying the Charges, of the Execution of this Act in the respective Counties, wherein the Penalties or Forfeitures respectively shall accrue, and the other Moiety to the Person who shall inform or sue for the same; and shall and may be recovered, with Costs by Action of Debt, Bill, Plaint, or Information, in any Court wherein they are Cognizable, if above Twenty Five Shillings, Proclamation Money, and where the same does not exceed that Sum, before any Justice of the Peace of the County wherein the Offence shall be committed.

XLIII. And be it further Enacted, by the Authority aforesaid, That when any Action shall be commenced, and prosecuted against any Sea-faring Person, founded on this Act, such Person shall be compellable to give Bail to the Sheriff or other Officer, as if such Action had been founded on Contract, and such Person shall not be admitted to appear and Plead to such Action, until he shall have given Bail: Any Law, Usage or Custom to the contrary notwithstanding.

XLIV. And be it further Enacted, That this Act shall commence and be in Force, from and after the Tenth Day of June next, and shall continue in Force until the First Day of October, which shall be in the Year of Our Lord One Thousand Seven Hundred and Fifty Nine, and from thence to the End of the next Session of Assembly.

CHAPTER X.

An Act to Facilitate the Raising Recruits to Serve his Majesty in the Intended Expedition Against the French on the Ohio, and Guarding the Frontiers of this Province. Expunged.

CHAPTER XI.

An Act for appointing the several Ferries therein mentioned, and for obliging the Commissioners of the several Districts to make Roads to the same.

I. Whereas a ferry from the Town of Wilmington to the Point of Marsh at the mouth of the Thoroughfare; also another at the upper End of a Bluff

called Mount Misery, on the East side of the North West Branch of Cape Fear River, over to a Marsh opposite thereto, would be found very useful, not only to all Travellers, but also to the Inhabitants of New Hanover, and the upper Counties:

II. We therefore pray that it may be enacted, and be it enacted, by the Governor, Council, and Assembly and by the authority of the same, That a Ferry from the Town of Wilmington to the Point of Marsh at the Mouth of the Thoroughfare and another from the upper End of the Bluff of Mount Misery aforesaid, over to the Marsh opposite thereto, be, and are hereby appointed public ferries, to be rated by the Court of New Hanover County.

III. And be it further Enacted, by the authority aforesaid, that the Commissioners of the Roads for the North East Branch of Cape Fear River, as far up as Burgaw Creek, and so over to Widow Moore's Creek on Flat River, are hereby required, within two years from the Twenty-fifth day of March next after the passing of this Act, to cause a Road to be made from the Point of Marsh at the Mouth of the Thoroughfare, opposite to the Town of Wilmington, to Mount Misery, on the North West River aforesaid: And that the Commissioners of the Roads for the North West District in New Hanover County, are likewise hereby required, within two years from the Twenty-fifth day of March next after the passing of this Act, to cause a road to be made from the Marsh right opposite to Mount Misery aforesaid into the Road leading from the North West to the Town of Brunswick.

IV. And be it further enacted, by the authority aforesaid, That in case the Commissioners of the Roads for the several Districts aforesaid, or either of them shall refuse or neglect to make, or cause to be made, such Roads as aforesaid: then, and in such case, they, or either of them so neglecting or refusing, shall forfeit and pay the sum of fifty pounds, Proclamation Money; to be recovered by action of Debt, in the Supreme Court, by any Person who shall sue for the same; wherein no Essoign, Injunction, Protection or Wager of Law shall be allowed or admitted of.

V. And be it further Enacted, That one fifth part of the fines and Forfeitures becoming due by Virtue of this Act, shall be to the Person or Persons suing for the same; the other four fifths shall be applied to the County Court, for and towards making the Road in such District where the same shall and may become forfeited.

VI. And to the end that the said Roads may be laid out in the speediest and best manner; Be it enacted by the Authority aforesaid, That the Commissioners aforesaid, within their respective Districts, shall, within four months next after passing this Act, stake, or cause to be staked out, in the most direct and convenient manner, according to the intent of this Act, the High Road from the present High Road at the Branch next to the House of Mr. Job Howe, on the North West side thereof to the Point opposite to Mount Misery; and from Mount Misery to the Point opposite to Wilmington; And if the said Commissioners or any of them, shall not, within the term of four months hereinbefore prescribed, stake out, or cause to be staked out, the High Road aforesaid, according to the directions of this Act in such case it shall and may be lawful for the Justices of the Peace of the said County on Information being made to them of such disobedience or Neglect of any of the said Commissioners, at any Court to be held for the said County, after the expiration of the said Four months, to appoint such person or persons as the said Court shall think proper, to lay and stake out the said High Road, according to the intent and meaning of this Act, at the Cost and Charges of the Commissioners neglecting to or refusing to stake out the aforesaid High Road as herein is before directed; which cost and charges

shall and may be recovered by the person or persons intituled to the same, by action of Debt, Petition or otherwise, in any Court of Record where the same is cognizable; and the High Road so laid out by the authority of the said Court, shall be to all intents and purposes, the High Road, as effectually as if the same had been laid out, by respective Commissioners of the Roads.

VII. And whereas the said High Road will tend to the great Ease and Convenience, not only of the said Districts, but also to the Inhabitants of the Town of Wilmington, and of the Districts adjacent, who have been long exposed to great hardships and expenses, and at some times to the Danger of their Lives, from want of the said Roads; Be it therefore Enacted that as soon as the said Road shall be staked out, in manner as hereinbefore directed, it shall and may be lawful for the Inhabitants of the Town of Wilmington, and for the Inhabitants of any other District in the County of New Hanover, or in the County of Bladen, or any of them to send, at any Time, proper for working on the said High Road, a Number of not less than Ten able Persons, to work on the said Road, under the direction of such an overseer as shall be approved by the Commissioners of the District where they are to work, or the Majority of them; and every such overseer certifying or making Oath, if required, what Number of Persons have wrought on the said Roads, and for what time such Certificate shall be countersigned by the Commissioners of the Roads where such work shall have been done, or the Majority of them the like Number of Days shall be allowed to the Person or Persons possessed of such Certificate, out of the Work that otherwise would have been due from him or them within his or their respective Districts; any Law, Usage or Custom, to the contrary, notwithstanding.

CHAPTER XII.

An Act to establish a Public Ferry from Newby's Point to Phelps' Point whereon the Court House now stands, on Perquimons River. Exp.

CHAPTER XIII.

An Act to amend An Act intituled An Act for Destroying Vermin in this Province. Rep.

CHAPTER XIV.

An Act to repeal an Act, passed by the General Assembly, held at New Bern the Sixth Day of April, in the year of our Lord One Thousand Seven Hundred and Forty Eight, intituled an Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government.

I. Whereas an Act, passed by the General Assembly, held at New Bern, the Sixth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled, An Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government, is found by experience, to be very inconvenient and prejudicial, in many Respects to the Inhabitants of this Province, and not to answer the good ends intended thereby: Therefore,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the aforesaid Act, and every Matter and Thing

therein contained, shall be and is repealed, determined, made void, and of none effect and force, as if the same had never been made.

CHAPTER XV.

An Act to Prevent Malicious Maiming and Wounding.

I. Whereas many mischievous and ill-disposed Persons have of late, in a malicious and barbarous Manner, maimed, wounded and defaced, many of his Majesty's Subjects: For the Prevention of which inhuman Practices,

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That if any Person or Persons, from and after the ratification of this Act on Purpose, shall unlawfully cut out, or disable the Tongue, put out an Eye, slit the Nose, bite or cut off a Nose or Lip, bite or cut off or disable, any Limb or Member of any Subject of his Majesty in so doing to maim or disfigure in any of the Manners before mentioned, such his Majesty's Subjects; that then and in every such case, the Person or Persons so offending, their Counsellors, Abettors and Aiders, knowing of, and privy to the offense as aforesaid, shall be, and are hereby declared to be felons, and shall suffer as in case of Felony; provided that no Attainder of such Felony shall extend to corrupt the Blood, or forfeit the Dower of the Wife, or the Lands, Goods, or Chattels, of the Offender.

CHAPTER XVI.

An Act to confirm an Agreement made by the present Church Wardens and Vestry of Christ Church Parish, in Craven County; with the Rev. James Reed.

I. Whereas the Church Wardens and Vestry of the Parish of Christ Church heretofore sent to England an Order of Vestry of the said Parish, thereby promising, amongst other Things, the Sum of One Hundred and Thirty Three Pounds Six Shillings and Eight Pence, Proclamation Money, per Annum, to be paid to a Minister of the Church of England, in consideration of having divine Service performed at the Church of the Parish aforesaid, and at the several Chappels within the said Parish, at the several Times herein specified: And whereas in Consequence of the said Order, the said Rev. James Reed, at great Charges and Expence, transported himself from England hither, and hath officiated and performed Divine Service at the said Church, and at the several Chappels within the said Parish One year and upwards, to the Approbation of the said Parish; and the said Church Wardens and Vestry, having contracted and agreed with the said James Reed that they will give and pay unto him, during the Time he shall continue to perform Divine service at the Church of the said Parish in New Bern, and at the several Chappels within the said Parish now erected the Sum of One Hundred and Thirty Three Pounds Six Shillings and Eight Pence, Proclamation Money, per annum and find and provide a good Glebe House, Kitchen, and other necessary Houses, on a lot in New Bern, and the said Lot to be well and sufficiently paled in, in Consideration of which, the said James Reed covenanted to perform Divine Service at the said Parish Church in New Bern all Sundays in the Year, except such as he shall be attending the Chappels within the said Parish, or have leave from the Vestry to be absent; at each of which said Chappels the said James Reed shall attend and perform divine Service, Three Times in each Year; Therefore,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the said Contract so made by and between the said James Reed and the said Church Wardens and Vestry of the Parish of Christ Church aforesaid, is hereby confirmed, and shall be good and valid in Law, and shall be binding, to all Intents and Purposes, as well on the said James Reed as on the said Church Wardens and Vestry, and their Successors, Church Wardens and Vestry of the said Parish.

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

JOHN CAMPBELL, Speaker.

LAWS OF NORTH CAROLINA, 1755.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued, by several Prorogations, to the Twenty Fifth Day of September, in the year of our Lord One Thousand Seven Hundred and Fifty Five: Being the Second Session of this Assembly.
Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for granting a farther Aid to his Majesty, to repel the French, and Indians in their Alliance, from their Encroachments on his Majesty's Territories in America, and other Purposes.

I. Whereas the Subjects of the French King, in Pursuance of their destructive and wicked Designs, to render themselves Masters of the American Continent, have erected Forts on his Majesty's Lands, and in Conjunction with the Indians in their Interest, committed divers Murthers on his Subjects, and still continue to perpetrate such horrid Cruelties and unparalleled Barbarities, the Prosecution of which, if not speedily prevented, may not improbably terminate in the Completion of their iniquitious Schemes and the Destruction of the British Colonies; this Assembly moved with the Consideration of the sufferings of their fellow Subjects, and earnestly desirous to shew their Duty and Loyalty to their Sovereign, and an invariable attachment to his Interest, have granted to his Majesty a further Aid of ten thousand Pounds, to enable His Excellency the Governor to protect the frontier of this Province, and to assist the other Colonies in Defence of his Majesty's Territories, and to repel the French from their encroachments; And whereas there is not in the Treasury any money unappropriated, out of which the aforesaid Sum can be paid: Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Sum of Seven thousand two Hundred Pounds, appropriated for building and finishing Churches and purchasing Glebes, under a suspending Clause in an Act entitled An Act for granting to his Majesty forty thousand pounds in public Bills of Credit, at the Rate of Proclamation Money, to be applied towards defraying the Expence of raising and subsisting the Forces for his Majesty's Service in this Province, to be sent to the Assistance of his Majesty's Colony of Virginia, and for other Purposes therein mentioned; and also the Sum of Two Thousand Pounds appropriated for and towards finishing the Public Buildings, under the same suspending Clause in the before recited Act, amounting in the whole to the Sum of nine thousand two Hundred Pounds, be received by the Public Treasurers, from the Commissioners appointed for stamping, signing and emitting the Sum of Forty Thousand Pounds, which they are hereby required and impowered to pay to the said Treasurers on Demand, to-wit, Four Thousand and six Hundred Pounds to the Treasurer of each District within this Province, and by them paid to such Person or Persons as the Governor or Commander in Chief, for the Time being, shall appoint to receive the same, for which the said Treasurers shall receive no more than One per Cent. and the Person appointed by the Gov-

ernor or Commander in Chief to receive the same, shall account therefor to the Assembly when required.

II. And that the said Sum of nine thousand two Hundred Pounds may be replaced in the Hands of the Treasurers, and also to raise the Sum of eight hundred Pounds, to be applied with the said nine thousand two hundred Pounds, as is in this Act directed: Be it further Enacted by the Authority aforesaid, That a Poll Tax of Two Shillings per Taxable, be levied on each Taxable Person within this Province, for and during the space of Five Years from the passing of this Act, and no longer; which Tax shall be collected, paid and accounted for at the same Time and in the same Manner, and under the like Penalties, as the Tax imposed by an Act of Assembly, entitled, An Act for granting an aid to his Majesty, for the Defence of the Frontier of this Province, and other Purposes: and as the same shall be paid, shall be applied to the Payment of the said eight hundred Pounds, to such Person as the Governor, or Commander in Chief, for the Time being, shall direct, and to replacing the said Sum of nine thousand Two Hundred Pounds.

III. And be it further Enacted by the Authority aforesaid, That the said Ten Thousand Pounds hereby granted to his Majesty, or so much thereof as shall be necessary for the Purposes of this Act, shall be applied in Manner following: that is to say, One Thousand Pounds to defray the Expence of erecting one or more Forts, at such Place or Places in the Frontier of this Province as the Governor, or Commander in Chief for the Time being, shall appoint, and for the better Accommodation of the Company formed for the Defence of the same; and the Sum of nine Thousand Pounds, for the expence of raising, paying, cloathing and accommodating Three Companies, consisting of Fifty Men Each, exclusive of Commissioned Officers; which Companies shall March or be transported to such of the Northern Colonies as his Excellency the Governor, or Commander in Chief for the Time being, shall think most conducive to his Majesty's Interest, and be employed with the Troops in his Service.

IV. And be it further Enacted by the Authority aforesaid, That the Officers and Soldiers of the aforesaid three Companies, to be raised by Virtue of this Act, shall, from the Time of their being commissioned and enlisted, have and receive the same Pay, and be under the same Discipline and Regulation with the other Officers and Soldiers appointed and raised for the same Service.

V. And be it further Enacted by the Authority aforesaid, That all such Monies as shall be raised by Virtue of the Tax hereinbefore directed, more than shall amount to the said Sum of ten Thousand Pounds, and so much of the said ten thousand Pounds as shall remain after the Disbursement for the several Services herein before mentioned, according to the True Intent and Meaning of this Act, shall, by the Governor, Council, and Assembly, be applied towards paying the contingent Charges of Government.

VI. And that the Troops in Virtue of this Act intended to be raised may be well paid and cloathed; Be it Enacted by the Authority aforesaid, That the Governor or Commander in Chief for the Time being, shall and may direct the Manner of remitting the necessary Part of the Sum granted for that Purpose, by appointing such Persons as he shall think Proper, to Purchase Commodities in this Province, and to ship them to any other of the British Colonies, in which it may be thought they may to the greatest Advantage be disposed of, and to direct the Person or Persons to whom the same shall be consigned, to pay over the Money arising from the Sale of

such Commodities to the Paymaster of the said Troops, to be appointed by the said Governor or Commander in Chief of this Province.

(The seventh and eighth sections, providing for a draught, if necessary, and making regulations accordingly, not thought material to be inserted.)

IX. And be it further Enacted, by the Authority aforesaid, That the Companies to be raised in Virtue of this Act, may be continued and kept in Pay until the Tenth day of November, which will be in the Year of our Lord one thousand seven hundred and fifty six, if necessary for his Majesty's Service, and no longer.

CHAPTER II.

An Act for appointing Sheriffs, and directing their Duty in Office, and for compelling Collectors of Public Taxes, and Persons intrusted with laying out Public Money, to apply and account for the same. Rep.

I. Whereas the Laws now in force for appointing Sheriffs and directing their Duty in Office, have been found greatly defective; and there is at present no law, whereby those who have been invested with the Power of applying Public Money, or the Collectors of the same, can be compelled to a Speedy Execution of the said Trusts; by Occasion whereof, the Public hath been greatly defrauded, and the Faith thereof much depreciated; For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly and it is hereby Enacted, by the Authority of the same, That every County Court of this Government, shall, annually, between the first Day of March and the First Day of June, recommend to the Governor or Commander in Chief of this Province, Three such Persons as they shall think most fit, being Freeholders of sufficient Circumstances, to execute the Office of Sheriff; one of which Persons so recommended, shall thereupon be commissioned by the Governor or Commander in Chief, to execute the Office of Sheriff for that County for the next ensuing year; but if at any Time any County Court shall neglect or refuse to make such recommendation, or if the Person recommended shall refuse to act, in either of those Cases, it shall and may be lawful for the Governor and Commander in Chief, and he is hereby authorized and required, to appoint, and by his Commission, constitute, any Freeholder of such County, having Circumstances of ability as aforesaid, to be Sheriff thereof: And if any Sheriff appointed upon recommendation as aforesaid, shall happen to die in the Time of his Sherifftalty, the Governor or Commander in Chief, may, and is hereby impowered, to appoint one of the Survivors, recommended with the Person deceased, to be Sheriff in his Room; and when any Sheriff appointed upon Neglect of Recommendation, happens to die in Office, any Freeholder of sufficient Circumstances, may and shall be commissioned in his stead.

III. And be it further Enacted, by the Authority aforesaid, That no Person shall be compellable to serve as Sheriff longer than One Year, and until the next succeeding Court after Expiration thereof, unless before superceded, and no longer; and every Person accepting a Sheriff's Commission, shall, before his entering into, or executing his Office, publicly, before his County Court, take the Oaths appointed, or which shall be appointed by Act of Parliament, for the Qualification of Public Officers, repeat and subscribe the Test, and also take the following Oath, to wit,

I, A. B., do solemnly swear, That I will truly and faithfully execute the Office of Sheriff of the County of, ————— to the best of my knowledge

and ability, agreeable to Law; and that I will not take, accept or receive, directly or indirectly, any Bribe, Gift, Fee or Reward, whatsoever, for returning any Man to serve as a Juror on any Jury, or for making any false returns of Process to me directed, during my Continuance in the said Office. So Help Me God.

And also shall enter into Bond, before the Justices of his County Court, with two or more good and sufficient securities, in the Penalty of one thousand Pounds Sterling, with Condition in the Form following, to-wit:

The Condition of the above Obligation is such, That whereas the above named A. B. is constituted and appointed Sheriff of the County of _____ during Pleasure, by a Commission from the Governor, under the Seal of this Province, dated the _____ Day of _____ last past; if therefore the said A. B. shall well and truly execute, and make due Return of all Process and Precepts to him directed and pay and satisfy all Fees and Sums of Money by him received or levied, by Virtue of any such Process, into the proper Office, by which the same, by the Tenor thereof, ought to be paid, or to the Person or Persons to whom the same are due his or their Executors, Administrators, Attornies, or Agents, and in all other things, well and truly, and faithfully, execute the said Office of Sheriff, during his Continuance therein; then the above Obligation is to be void; otherwise to remain in Full Force and Virtue.

And shall also enter into one other Bond, before such Court; and, with the like Security, in the Sum of one thousand Pounds Sterling, with a Condition in the following Form, to-wit: The Condition of the following Obligation is such, That whereas the above Bound A. B. is constituted and appointed Sheriff of the County of _____ during Pleasure, by Commission from the Governor under the Seal of the Province, dated the _____ Day of _____ last Past; if therefore the said A. B. shall well and truly collect and receive all such Public Taxes and Dues as are, or which shall be appointed by Act of Assembly, to be paid by the Taxable Persons within his Bailiwick, during his continuing Sheriff thereof, and duly account for, and pay the same to such Person or Persons, and at such Times, as by Law are, or shall be limited and directed: Then the above Obligation is to be void and of no Effect; otherwise to remain in full Force and Virtue. Which said Bonds and Securities, every County Court respectively, is hereby impowered and required to demand and take, and cause to be acknowledged before them in open Court, and recorded; the First of which said Bonds shall be made payable to his Majesty, his Heirs and Successors, and that in the Name of his Majesty and his Successors, any Person or Persons injured, may and shall, at his, her, or their proper Costs and Charges, commence and prosecute a Suit or Suits on the said First mentioned Bond, against the Parties therein bound, their Executors or Administrators; and shall and may recover all Damages which he, she, or they may have sustained, by Reason of the Breach of the Condition of such Bond: And the said last Mentioned Bond shall be made payable to the Governor or Commander in Chief for the time being, and his Successors; and that in the Name of the Governor or Commander in Chief, or his Successor, the Treasurer of the District may and shall commence and prosecute Suits on such last mentioned Bond, against the Parties therein Bound, their Executors or Administrators; and shall and may recover, for the Use of the Public, such Damages as the Public shall or may have sustained by means of a Breach of the Condition of such Bond: And such Bonds shall not become Void upon the First recovery or if Judgment shall be given against the Plaintiff or Plaintiffs who shall sue on such Bonds respectively, but may be put in Suit, and prose-

cuted from time to time, for the Benefit of the Public in the one Case, and for the Benefit, and at the Proper Costs and Charges of any Party injured, in the other, until the whole Penalty of the Bond sued shall be recovered.

IV. Provided always, That if any Verdict or Judgment shall pass for such Sheriff, or his Securities, the Person at whose instance such Suit shall be commenced, shall pay such Sheriff, or his Securities, their Costs; and the Court before which such Suit shall be brought, shall and may award Execution for the same.

V. And be it further Enacted, That every Sheriff who shall be in Office on the First Day of March next, after the passing of this Act, shall, at the first Court to be held for the County thereafter, enter into such Bonds, with Securities, as by this Act is directed to be given, by a Person accepting the Office of Sheriff, upon recommendation of the County Court; or otherwise; and if any Person who shall hereafter be appointed Sheriff pursuant to this Act, shall refuse to accept and execute such Commission to him directed, he shall forfeit and pay the Sum of Eight Pounds Proclamation Money, to the Use of the Public; to be recovered in the Name of the Governor, or Commander in Chief, with Costs, by the Treasurer of the District wherein the Person so refusing shall reside, by Action of Debt, Bill, Plaint or Information; And every Sheriff who shall be in Office on the aforesaid First Day of March, that shall neglect or refuse to give Bond, with Security, as herein before directed, shall incur the like Penalty; to be recovered in the same Manner, and to the same use as aforesaid.

VI. Provided nevertheless, That if any Person hereafter appointed to execute the Office of Sheriff in any County in this Province, shall be willing to execute the same, but cannot get sufficient Security as by this Act is required, and shall make Oath, in the Court of the County for which he shall be appointed Sheriff, that he hath used his best Endeavors without Frand or Collusion, to get such Security; that then such person shall not incur the penalty aforesaid; anything herein contained to the contrary notwithstanding.

VII. Provided also, That any Sheriff who shall be in Office on the aforesaid First Day of March, and shall be willing to give such Securities as aforesaid, and cannot procure the same, and shall make Oath thereof in Manner herein before mentioned that then such Sheriff shall not be subject to the said Penalty; any thing herein contained to the Contrary notwithstanding.

VIII. Provided likewise, That no Member of his Majesty's Council, a Member of the Assembly, or elected as such, shall be obliged to execute the Office of Sheriff; any Thing in this Act contained to the contrary, notwithstanding.

IX. And be it further Enacted, That if any Sheriff hath neglected or refused, or shall hereafter neglect or refuse, to account for, and pay the several Public taxes that have been, or hereafter shall be imposed on the Taxable Persons of the County of such Sheriff, and wherewith he shall be chargeable, according to the Direction of the Act or Acts of Assembly imposing the same, after deducting the Commissions allowed him by Law, and the several Sums chargeable to Persons who have no visble Estate in his County; it shall and may be lawful for the Supreme Court of the District wherein such Sheriff shall live, upon a motion of the Treasurer of the District, to give Judgment against such Sheriff, for all the Money wherewith he is or shall be Chargeable, by Virtue of any Act or Acts of Assembly as aforesaid, with Costs; and thereupon to award execution against the Goods and Chattels Lands and Tenements, of such Sheriff: Provided, that such Sheriff shall have Ten Days previous Notice of such Motion.

X. And be it further Enacted, by the Authority aforesaid, That upon the Tryal of any Cause on the said last mentioned Bond, wherein Issue shall be joined, upon Performance of the Condition thereof; or where a writ of Enquiry of Damages shall be executed, upon any breach of the same Assigned, or where a Motion shall be made against the Sheriff as aforesaid; it shall be sufficient to ascertain the Sum wherewith the Sheriff stands chargeable, for the Treasurer to give in Evidence an Attested Copy of the List of Taxables in the County of the Sheriff so sued or moved against; and shall recover for the whole Taxables contained in such List, deducting only the Commissions by Law allowed him, and for such Persons who have no visible Estate in his County; any Law, Usage, or Custom to the contrary, notwithstanding.

XI. Provided always, That if such Sheriffs shall, before the Commencement of such Suit, or hearing such Motion, have settled with the Court of his County for the County Tax, and obtained an allowance for such Persons who have no visible estate therein; an attested Copy of such Settlement may also be given in evidence by the Defendant.

XII. And be it Enacted, That the Clerk of each County Court shall, on or before the first Day of March, annually, transmit to the Treasurer of the District where such Clerk shall live, a true Copy of the List of the Taxables of the said County, filed with him, alphabetically digested; for which Service, he shall be paid by the said Treasurer the usual Fee, which shall be by him charged to the Public in his Account; and every Clerk failing or neglecting to perform his Duty herein, shall, for each Offence forfeit and pay Twenty Pounds Proclamation Money; one Half to the Informer, and the other Half to the Governor or Commander in Chief, for the Use of the Public; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record with Costs.

XIII. And be it further Enacted, by the Authority aforesaid, That every Sheriff himself, or by his lawful Officers or Deputies, shall, from Time to Time, execute all Writs, and other process to him legally issued and directed within this County, or upon any Bay, River, or Creek adjoining thereto, and make due Return thereof; under the Penalty of Forfeiting Five Pounds, Proclamation Money for each Neglect, where such process shall be delivered to him Twenty Days before the sitting of the Court to which the same is returnable; to be paid to the Party grieved, by order of such Court upon Motion and Proof of such Delivery; unless such Sheriff can shew sufficient Cause, to the Court, at the next succeeding Court after such Order; and for every false return, the Sheriff shall forfeit and Pay Ten Pounds Proclamation Money; one Moiety thereof to the Party Grieved, and the other Moiety to him or them that will sue for the same, To be recovered with Costs, by Action of Debt, Bill, Complaint, or Information in any Court of Record; and moreover be further Liable to the Action of the Party grieved, for Damages: And no Sheriff shall return, upon any Writ, that the Defendant is not to be found within his Bailiwick, unless such Sheriff shall have actually been at the House or Place of Abode of such Defendant: And where any Defendant shall be a Known Inhabitant of another County than that of the Sheriff to whom such Process shall be directed, the Sheriff shall return the truth of the Case; and thereupon an Alias shall Issue, directed to the Sheriff where such Defendant resides, if the original Process shall issue from a Supreme Court; and no Variance of the Addition of the Place of Abode of the defendant, shall be deemed Error, or Matter of Abatement.

XIV. Provided always, That it shall not be lawful for any Sheriff, or other Officer, to execute any Writ, or other Process, upon a Sunday, or upon any

Person attending his Duty at any Muster of the Militia, or any Election of a Burgess or Burgesses, or on any Person summoned to attend as an evidence; and that all Process so executed, shall be illegal and Void; unless the same be issued against any Person or Persons for Treason, Felony, Riot, Rescous, Breach of the Peace, or upon an Escape, out of Prison or Custody; and such Process shall and may be executed at any Time or Place.

XV. And be it Further Enacted by the Authority aforesaid, That it shall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation, of or from any Person or Persons in his Custody, for or concerning any Matter or Thing relating to his Office, otherwise payable than to himself as Sheriff, and dischargeable upon the prisoner's Appearance, and rendering himself at the Day and Place required in the Writ, whereupon he was, or shall be taken or arrested, (and his Securities discharging themselves therefrom, as special Bail of such Prisoner) or such Person or Persons keeping within the Limits and Rules of any Prison: And that every other Obligation is, or shall be by Law particularly and expressly directed; and that no Sheriff shall demand, exact, take, or receive, any Greater Fee or Reward whatsoever; nor shall have any Allowance, Reward or Satisfaction, from the Public for any Service by him done, other than the Sum of Ten Pounds, Proclamation Money, for ex-officio Services; and the Allowances given and provided, or which shall be from Time to Time given and provided by law.

XVI. And whereas Sheriffs and other Collectors of Taxes, have discovered some Taxables not inlisted, and have demanded and received the Taxes from them, and retained the same to their own use; Be it therefore Enacted, by the Authority aforesaid, That all Sheriffs and Collectors shall hereafter account, on Oath, for all such Taxes by them received, to the respective Treasurers, County Courts, or Vestries, as the case may be; which shall be applied to the Use of the Public, County, or Parish, accordingly.

XVII. And be it further Enacted, That where any Person or Persons, chargeable with any Public or County Taxes, shall not discharge the same within the time limited by Law for the Payment thereof, it shall be lawful for the Sheriff to distrain any of the Slaves, Goods and Chattels, belonging to, or in the Possession of the Person owing or Chargeable with such Taxes; and if the Owner thereof shall not within Five Days after such Distress, pay and satisfy the Taxes due, such Sheriff shall and may lawfully sell, by Auction, the slaves, Goods and Chattels, distrained or so much thereof as shall be sufficient to satisfy the said Taxes, and the Charges of Distress and Sale; but shall give notice of the Day and Place of the Sale, at the Church of the Parish wherein such Distress shall be made, by setting up a Note thereof before the Service begins, at some convenient or usual Place near such Church, and by publishing the same in the Church yard immediately after Divine Service, on the next Sunday after the Expiration of Five Days; which Sale shall not be in less than Three, nor more than Six Days after Notice so given; and shall be good and effectual in Law, against all and every Person and Persons whatsoever, claiming or pretending to claim, any Right, Title, or Interest, in or to any of the said Slaves, Goods, or Chattels.

XVIII. And be it further Enacted, That where the Sheriff of any County shall die or be removed from his office, before he shall have finished his Collection of Public and County Taxes, it shall be lawful for the succeeding Sheriff or Sheriffs to make Distress for the same, upon the Slaves, Goods, and Chattels of the Person or Persons chargeable with such Taxes, and so make Sale thereof in the Manner by this Act before directed; and so be

accounted for, upon Oath, by such Sheriff, to the Treasurer, or County Court, as the Case may be; and upon Refusal or Neglect of such Sheriff to account for the same in Manner aforesaid, the Treasurer, and County Courts respectively, shall and may have the like Remedy, Proceedings, and Relief, against Him and His Securities, as may or can be had against such Sheriff, for other Public or County Taxes, which he shall or ought to collect.

XIX. Provided always, That no Sheriff shall at any Time make or take unreasonable Distress, or seize the Slave or Slaves of any Person, for any Public or County Taxes, or for Officers Fees, if other sufficient Distress can be had; upon Penalty of being liable to the Action of the Party Grieved, grounded upon this Act; wherein the Plaintiff shall recover full Costs, altho' the Damages given, do not exceed Twenty Five Shillings Proclamation Money.

XX. And be it further Enacted, by the Authority aforesaid, That if any Person committed, rendered, or charged in Execution, or upon Mesne Process, to any Prison, shall thence escape, it shall and may be lawful to and for any Justice of the Peace of the County where such Prisoner was in Custody, upon Oath of such Escape, before him made by the Sheriff, Under-Sheriff, Gaoler, or other Credible Person, to grant to any one demanding the same, one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Bailiffs, and Constables, within this Province, reciting the Cause of such Prisoner's Commitment, and Time of his or her escape; and commanding them, and every of them, in their respective Counties and Precincts, to seize and retake such Prisoner so escaped, or going at large; and being so taken, forthwith to convey and commit to the Prison, where Debtors are usually kept, in the County where such retaking shall be, there to be kept, in safe custody, until he or she be thence discharged by due Course of Law; which warrant the Sheriff is hereby required to obey, and to receive the Prisoner into his safe Custody, and to give a Note to the Person or Persons delivering him, her, or them, certifying his Receipt of such Prisoner; and shall also make return of the Execution of such Warrant, to the Court of the County from whence such Prisoner escaped: And if he or she was there in Custody, charged in Execution then the said Sheriff shall safely keep him or her, without Bail or Mainprize, until he or she shall make full Payment and Satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whose Name such Execution was issued out, or until the Judgment or Judgments obtained against him or her, shall be reversed or discharged by Due Course of Law: And if any such Prisoner shall have been in Custody upon Mesne Process, in any Action of Debt, or upon the Case, the Sheriff to whom he or she shall be so committed, shall in like Manner keep such Prisoner in his safe Custody, and make Return of the Execution of the Warrant by which he or she was retaken to the Court of that County wherein he or she was first arrested; and thereupon it shall be lawful for the said Court, upon the Plaintiff's filing his Declaration, and entering the Defendant's Appearance, to proceed to give Judgment thereon, in the same Manner as if the Defendant had appeared in the said Court, and refused to plead; unless such Defendant shall cause special Bail to be entered in the said Court, and shall, immediately plead to issue; and thereupon a Certificate, under the Hand of the Clerk of the said Court, that such Bail is given, delivered to the Sheriff in whose Custody such Defendant shall then be, it shall be lawful for him to set at large such Prisoner, and not otherwise: But where any Prisoner escaped and retaken upon such Warrant as aforesaid, shall thereafter be charged with Treason, Felony or other Capital Crime, in Behalf of his Majesty, or his Successors, for which he or she

ought to be tried in one of the Supreme Courts of this Province and shall be for such Cause, removed to any Gaol of such Court; every such Prisoner shall be charged in such Gaol with all the Causes wherewith he or she stood charged in the Gaol from whence he or she escaped, or was removed, until he or she be thence delivered by due Courts of Law; any Law, Usage, or Custom, to the Contrary, notwithstanding.

XXI. And be it further Enacted, by the Authority aforesaid, That if any Sheriff, or other Officer hath made, or shall make any Return upon any Writ of Fieri Facias, or Venditioni Exponas, that he hath levied the Debt, Damages, and Costs, or Fees, as in such Writ required, or any part thereof, and hath not, or shall not pay the same, into the proper Office, or to the Party to whom the same is payable, or his Attorney, at the return of such Writ; or hath or shall return upon any Writ of Capias ad satisfaciendum, or Attachment, for not performing a Decree in Chancery, for the Payment of any Sum of Money, or other Matter, That he hath taken the Body or Bodies of any Defendant, or Defendants, and hath the same ready to satisfy the Money, or other Matter in such Writ mentioned; and shall have actually received the Money, or other Matter from the Defendant or Defendants, or any Part thereof; or suffered him, her or them, to escape, with the Consent of such Sheriff, or Officer, and hath not, or shall not pay the same into the Proper Office, or to the Party to whom the same is payable, or his Attorney: that then and in either of the said Cases, it shall and may be lawful for the Creditor, at whose suit such Writ of Fieri Facias, Venditioni Exponas, Capias, Satisfaciendum, or Attachment, hath, or shall issue, upon a Motion made in the Court from whence such Writ is issued, or in the Supreme Court, of the District wherein such Sheriff shall reside, to demand Judgment against such Sheriff or other Officer, for the Money, or other Matter mentioned in such Writ; and such Court is hereby authorized and required, to give Judgment accordingly for the same, with costs, and to award Execution, against the Goods, Chattels, Land and Tenements of such Sheriff; provided such Sheriff have ten Days Previous Notice of such Motion: And where it shall so happen, that the Time of any Persons Sheriffalty shall be expired, or he shall be removed from his Office, before such Motion made by the Creditor or Creditors, the same Remedy, Proceedings, and Relief, shall and may be had against him, as if such Person was actually in Office any thing herein contained to the Contrary notwithstanding.

XXII. And be it further Enacted, by the Authority aforesaid, That where any Sheriff shall have taken the Bond of any Debtor in Execution, and shall wilfully or negligently suffer such Debtor to escape, and such Sheriff, or the Person sueing out such Execution, shall die, before a Recovery can be had against such Sheriff for such Escape, the person sueing out such Execution, his Executors or Administrators, shall and may have and maintain an Action of Debt against such Sheriff, his Executors or Administrators, for the Recovery of all such Sums of Money as are mentioned in the said Execution, and Damages for detaining the same; any Law, Usage, or Custom, to the Contrary, notwithstanding.

XXIII. And for removing all Controversies, touching the Manner of turning over Prisoners, upon a Sheriff's Quitting his Office; Be it further Enacted by the Authority aforesaid, That the Delivery of Prisoners by Indenture, between the old Sheriff and the new, according to the Practice in England: or the entering upon Record in Court, the Names of the several Prisoners, and Causes of their Commitment, delivered over to the new Sheriff; shall be sufficient to discharge the late Sheriff from all Suits and Actions, for any escape that shall afterwards happen.

XXIV. And for preventing the evil and pernicious Practice of such as are instructed with laying out of the Public Money, in applying it to their own Use, in Defraud of the Government Be it Enacted, by the Authority aforesaid, That if any Person, or Persons, who heretofore have been, now are, or hereafter shall be, appointed a Treasurer or Treasurers of this Province by Virtue of any Act or Acts of Assembly, and have failed or neglected, or shall fail or neglect, to account for and pay the several Taxes, Duties and Imposts, which they respectively have been, now are or hereafter shall be, impowered and authorized to receive, according to the Direction of the Laws that have imposed, or shall hereafter impose, such Taxes and Duties: that it shall and may be lawful for any Supreme Court of the District of such Treasurer, on Motion of the Attorney General, or any other Attorney by order and direction of the General Assembly, to grant Judgment against such Treasurer, in the Name of the Governor, or Commander in Chief for all such Public Taxes, Imposts, and Duties, which he shall have in his hands, unaccounted for as aforesaid; together with Interest thereupon, after the rate of Six per cent. per annum, from the Time of receiving the same, till paid, and double Costs; and to award Execution thereupon, against the Body, Goods and Chattels, Lands, Tenements, of such Treasurer; provided such Treasurer have Ten Days previous Notice of such Motion: And moreover, such Treasurer shall lose all such Commissions upon such Taxes and Duties, as he would otherwise have been entitled to.

XXV. And be it further Enacted, That the Money that shall be so recovered of any such Treasurer or Treasurers, shall, when received, be applied to the several and respective Uses, Intents and Purposes, to which the same are, or shall be by law appropriated; or to such other Uses and purposes, as the General Assembly shall direct and appoint.

XXVI. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons who heretofore have been, now are or hereafter shall be, appointed and impowered to lay out any Sum or Sums of Money, in behalf, or on Account of this Province whether the same was, is, or shall be for his Majesty's Service defraying the Contingent Charges of this Government, or other Purpose, by Act of Assembly particularly directed, and shall have received the same and shall have refused, failed, or neglected, or shall refuse, fail or neglect, to lay out and apply such Sum or Sums, and account for the same, according to the Directions of the Law or Laws that have appropriated, or shall appropriate the same; it shall and may be lawful for the Attorney General, or any other Attorney, by order and Directions of the General Assembly, upon a Motion made, in the Name of the Governor or Commander in Chief, in any Supreme Court in this Province, to demand Judgment against any such Person or Persons for all such Sum or Sums of Money as he or they have received or shall receive, for the purposes aforesaid, or any of them, that such Person or Persons have not applied, laid out, and accounted for, or shall not apply, lay out, and account for, according as the several Acts of Assembly intrusting, or that shall intrust, any such Person or Persons with the Application thereof, shall require; and such Court is hereby authorized, impowered and required, to give such Judgment accordingly; to be paid, with interest thereupon, after the rate of Six per Cent per Annum, from the Time such Person or Persons shall have received, or shall receive the same, till paid, and treble Costs; and to award execution thereupon against the Body, Goods and Chattels, Lands and Tenements, of such Person or Persons; provided such Person or Persons have Ten Days previous Notice of such Motion, And if any such Person or Persons shall be sued on his or their Bond, given for the performance of such Trust as afore-

said, the Court before whom such Trial shall be had, or Writ of Enquiry executed, on an Assignment of any Breach of the Condition thereof, shall give Judgment for the whole Penalty of such Bond; to be discharged upon the Defendant or Defendants paying the Damages found or assessed, together with Interest from the Date of such Bond, till Paid, with Treble Costs as aforesaid; and in both the said Instances, such Person or persons shall lose all such Commissions, Allowances, Rewards, as he could or might have claimed, if he had laid out such Money, and regularly accounted for it.

XXVII. And be it further Enacted, That in both the aforesaid cases, the Money, when recovered and received, shall be applied and laid out, to and for the several respective Uses and Intents to which the same is, or shall be by Law directed to be applied or as the General Assembly shall order and appoint.

XXVIII. And be it further Enacted, That all County Court Clerks in this Province shall, annually, on or before the Tenth Day of June, account, on Oath with the Governor, or Commander in Chief for the Time being, or his Agent, for all Fees which they respectively have, or ought to have received for him, by Virtue of the Office of such Clerks: And in Case of Neglect or Refusal, the Governor or Commander in Chief, shall and may, by Motion in the Supreme or County Court, have the like Remedy, Proceedings and Relief against such Clerks so neglecting or refusing, for recovery of all such Monies, as is or may be, by Virtue of this Act, had against any Sheriff for Public Taxes by him neglected or refused to be paid to the Treasurer of his District.

XXIX. And be it further Enacted, by the Authority aforesaid, That so much of an Act of Assembly, intituled, An Act, for appointing Sheriffs in the Room of Marshals in this Province, for the prescribing the Method of appointing them, and for limiting the time of their continuance in Office, and for directing their Duty therein; and for abolishing the Office of Provost Marshal of this Province; and for altering the Names of the Precincts into Counties; and all and every other Act and Acts and every Clause and Article thereof heretofore made, as far as relates to any Matter or thing within the Purview of this Act, is hereby from henceforth repealed and made void.

CHAPTER III.

An Act for Inspection of Pork, Beef, Rice, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, and Lumber. Exp.

CHAPTER IV.

An Act for regulating Orphans, their Guardians, and Estates.
(Omitted.)

CHAPTER V.

An Act to Quiet Freeholders in the Possession of their Lands, and other Purposes.

I. Whereas for want of Proper Offices, and due attendance of the Officers of Patents, Deeds, and Mesne Conveyances, by which several Tracts of Land in this Province are granted and conveyed to the present Possessors, and those under whom they hold, have not been registered or recorded within the time by Law limited and appointed for those purposes; and many

original Patents, Deeds, and Wills, have, by Fire, and other Accidents, been lost; by Occasion whereof, the Titles of Rightful Owners have been drawn in Question, by Troublesome and Litigious Persons, to their great Disturbance, Molestation, and Disquiet: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all and every Person and Persons, and those claiming under him or them who have been in quiet and peaceable Possession of any Tract or Tracts of Land, for the Space of Twenty Years before the passing of this Act, and hath or have heretofore made, or shall hereafter make proof before the Governor and Council, or either of the Supreme Courts, or the County Court where the Land lies, of such Possession; such Person or Persons shall be held and deemed, and is and are hereby declared to be the rightful and lawful Owner or Owners of such Tract or Tracts of Land, and shall be subject to the Payment of such Quit Rents as have been heretofore paid for the same Lands; and where no Quit-rents have been paid, shall be liable to pay the Arrears and accruing Quit-rents, at the Rate of Four Shillings, Proclamation Money, per Annum, for every Hundred Acres of the said Land; and such Person or Persons, his, her or their Heirs and Assigns shall, forever quietly and peaceably, hold and enjoy the same, against the Claim and Claims of every Person or Persons whatsoever saving and reserving to Infants, and Feme-Coverts, their Title or Claim, who shall be allowed to prosecute the same at any Time within Three Years after their arrival at full Age, or Discoveriture; anything herein contained to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That all Deeds and Conveyances whatsoever, for any Lands within this Province whether made by the Grantors, or their Agents or Attornies, either in their Own Names, or in the Names of their Principles; and all Assignments endorsed on Patents which have heretofore or shall, within One Year after the passing of this Act, be acknowledged or proved in the County Court, and recorded or registered in the County where the Lands lie, shall be adjudged and deemed, and are hereby declared to be good and available in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and advantage, of all Persons who shall, for Three Years, have been in quiet and peaceable Possession, or who shall have paid Quit Rents for any lands claimed thereby, and to their Heirs and Assigns, as if the same Deeds had been at any Time heretofore recorded or registered; And all Deeds and Conveyances for Lands, bona fide made and executed heretofore, although not indented or sealed, or without any valuable consideration therein expressed; and all assignments endorsed on Patents, shall be adjudged, deemed, and taken, and are hereby declared to be, good and valid in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and Advantage of all and every Person or Persons who shall have paid Quit Rents for any Lands claimed thereby, to his and their own Proper Use and Behoof, and to his Heirs and Assigns, as if the same shall have been in quiet and peaceable Possession, for Three Years, or who shall have paid Quit Rents for any Lands claimed thereby, to his and their own Proper Use and Behoof, and to his Heirs and Assigns, as if the same Deeds had been actually indented and sealed, and as if a Valuable consideration had been therein particularly expressed; and as if such assignments had been made, and the Lands therein mentioned, conveyed in due Form of Law and all Deeds and Conveyances for Lands, heretofore bona fide made and executed as aforesaid, and which shall, within One Year after the

passing of this Act, be proved by one subscribing Witness; or where the subscribing Witness shall be dead or out of this Province, by the Oath of Two or more Credible Witnesses, to the Parity of the Hand Writing of the Grantor or Grantors, or of the Agents or attornies of the Grantor or Grantors, and a Record made of such Proof, shall be, and are hereby declared to be good and available in Law, and shall enure and take effect, as fully and absolutely, to the Benefit and Advantage of the Person or Persons who shall, for three Years, have been in quiet and peaceable Possession, or who shall have paid Quit rents, for any lands claimed thereby, to his and their own proper Use and Behoof, and to his and their Heirs and Assigns, as if the same Deeds and Conveyances, had been personally acknowledged in Court, by the Grantors thereof, and registered: And all Deeds and Conveyances whatsoever heretofore made for any Lands in this Province, whether by the Grantors, their Agents or Attornies, either in their own Names, or the Names of their Principals where the Lands thereby granted are not in the actual Possession of any Person or Persons, which shall be acknowledged or proved, and registered in the County where such Lands lie, within twelve months after the passing this Act, shall be as good and available in Law, and take Effect as fully, to the Benefit and Behoof, of every Person and Persons claiming by or under such Deeds or Conveyances, as if such Deeds or Conveyances had been acknowledged or proved, and registered within the Time by Law prescribed; any Law, Usage, or Custom to the contrary notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, That all Copies of Records of Patents and Wills, attested by the Secretary of this Province, or his Deputy; and all Copies of Records of Deeds and Mesne Conveyances for Lands, attested by the Clerk of the County Court, or Register of the County where the Lands lie, where the original Deed is lost; shall be deemed and held, and are hereby declared to be legal Evidence in all Courts of Law and Equity, in any Suit or Controversy, where the Title of Lands shall come in Dispute; and all Courts and Judges are hereby required to receive such Copies so attested accordingly.

V. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, shall at any time shoot, hunt, or range on the lands or Tenements, or fish or Fowl in any Creek or waters, included within the Bounds of any other Person or Persons, without Licence first obtained of the Owner of such Lands; every such offender shall forfeit and pay Twenty Shillings for every such Offence; to be recovered with Costs, before any Justice of the Peace of the County where the Offence shall be committed, by the Informer, to his own Use; in which Information, the Confession of the Party, or the Oath of One credible Witness, shall be sufficient Evidence: And where the Owner of such Land shall prosecute for such unlawful Hunting, Shooting, Ranging, Fishing or Fowling, within his Bounds, his own Oath shall be sufficient Evidence; but in that Case the Penalty shall be paid to the Church Wardens, for the use of the Parish wherein the Offence shall be committed; and moreover, every such Offender shall be liable to the Action of the Party grieved, at Common Law, for his or her Damages.

CHAPTER VI.

An Act for the Restraint of Vagrants, and for making provision for the Poor and other Purposes.

I. Whereas divers idle and disorderly Persons, having no visible Estates or Employments, and who are able to work, frequently stroll from one County to another, neglecting to labor; and either failing altogether to list themselves as Taxables, or by their idle and disorderly Life, rendering themselves incapable of paying their Levies, when listed: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That it shall not be lawful for any Inhabitants of this Government, to entertain, hire, or employ, in his or her House, above the space of Forty Eight Hours, any such Person or Persons whatsoever, being taxable, and removing from the Parish where he or she formerly resided, unless such Person shall first produce a Certificate, under the Hand of the Sheriff, or some Magistrate of the County from whence he or she came, that such Person paid Levy there for the preceding Year, or that he or she came into this Government since, or was a Servant at the Time of taking the last List of Taxables; and if any one shall entertain, hire, or employ, any such Person or Persons whatsoever, being taxable, not having such Certificate as aforesaid, he or she so offending, shall forfeit and pay Twenty Shillings, Proclamation Money, for every such offence, to the Informer; recoverable before any Justice of the Peace of the County where the offence shall be committed: And if any Taxable Person, not having such Certificate, shall offer himself, or seek to be employed, he shall be liable to the like Penalty of Twenty Shillings, Proclamation Money, to be recovered and applied as aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That all able bodied Persons, not having wherewithal to maintain themselves, who shall be found loitering and neglecting to labour for reasonable Wages; all Persons who run from their Habitations, and have Wives and Children, without suitable Means for their Subsistence, whereby they are like to become burthensome to the Parish wherein they inhabit; and all other idle, vagrant, or dissolute Persons, wandering abroad, without betaking themselves to some lawful Employments, or honest Labour, or going about begging, shall be deemed Rogues and Vagabonds.

IV. And be it further Enacted, by the Authority aforesaid, That if any such Vagabonds shall be found in any County or Place, wandering, begging or misordering him or herself, it shall be lawful for any Justice of the Peace of that County, and he is hereby impowered and required, by warrant under his Hand, to cause such Vagabonds to be brought before him, and to examine and inform himself, as well by the Oath and Examination of the Person apprehended, as of any other Person or Persons which Oath or Oaths the Justice is hereby impowered to administer, and by any other Ways or Means he shall think proper, of the Condition and circumstances of the Person or Persons so apprehended; and if it shall appear that he or she is under the description of Vagabonds within this Act, the said Justice shall, by his Warrant, order and direct him or her to be conveyed and whipt, in the same Manner as Runaways are, from Constable to Constable, to the County wherein his Wife or Children do inhabit, or where he or she did last reside (as the Case shall be) and there delivered to a Justice of the Peace, who is hereby required to cause every such Vagabond to give sufficient Security for his or her good Behavior, and for betaking him or herself to some lawful Calling, or honest Labour; and if he or she fail so to do, then to commit him

or her to the common Gaol of the County, there to remain until such security be given, or until the next Court; which Court is hereby impowered, if no Security be then offered, to bind such Vagabond to Service, on Wages for the Term of One Year; and such Wages, after deducting the Charges of the Prosecution, and necessary Cloathing, shall be applied towards supporting the Family of such Servant (if any) or otherwise paid to the Person so bound after his or her Time of Service is expired, in full of all other Recompence or Reward: But if any such Vagabond be of such evil Repute, that no Person will receive him or her into Service, in such Case the Court shall order him or her to receive Thirty Nine Lashes on his or her bare Back, well laid on, at the Public Whipping Post, and then to be discharged; and in both Cases every such Vagabond shall be afterwards liable to the like Prosecution and Punishment, for every offence of Vagrancy whereof he or she shall be guilty as aforesaid; and when any such Vagabond shall be brought before a Justice of the Peace and it shall not appear to the said Justice that he or she has acquired a legal settlement in any parish the said Justice is hereby required to cause such Vagabonds to give Security for his or her good Behavior, and for betaking him or herself to some honest Calling or Employment; and on Failure thereof, shall commit him or her to the Jail of the County, there to remain and be dealt with as is before herein directed.

V. And for determining all Disputes concerning what shall be accounted a legal Settlement, whereby any Person may be intitled to be provided for at the Parish Charge: It is hereby Enacted and Declared, That no Person shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such Parish one whole Year.

VI. And be it further Enacted, by the Authority aforesaid, That upon complaint made by the Church Wardens of any Parish, before a Justice of Peace, any poor Person or Persons is or are come into their Parish, and likely to become chargeable thereto, it shall be lawful for such Justice, by Warrant under his Hand, to cause such poor Persons to be removed to the Parish where he or she was legally last settled; but if such poor Persons be sick or disabled, and cannot be removed without Danger of Life, the Church Wardens shall provide for his or her maintenance and Cure, at the Charge of the Parish and after recovery, shall cause him or her to be so removed; and the Parish wherein he or she was last legally settled shall repay all Charges occasioned by the Sickness, Maintenance and cure of such poor Person and also all Charges and expences, if such Person shall die before removal. And if the Church Warden or Church Wardens of the Parish to which such poor Person belongs, shall refuse to receive and provide for the Person or Persons removed by Warrant as aforesaid, every Church Warden so refusing shall forfeit and pay Twenty Pounds, Proclamation Money; one Half to our Sovereign Lord the King, for the Use of the Parish from whence the Removal was, and the other Moiety to the Informer; to be recovered, by Action of Debt, or Information, in the County Court where the Information was made with costs of Suit: And if the Vestry of the Parish where such poor Person was last legally settled, shall refuse to pay and satisfy all the Charges and expences aforesaid, in such Case, the Vestry of the Parish refusing shall be liable for the same, to the Church Wardens aggrieved; to be recovered with Costs, in the County Court, as aforesaid: And if any House-keeper shall entertain such poor Person and shall not give notice thereof to the Church Wardens of the Parish or One of them, within One Month, he or she so offending, shall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered with Costs, by the Church Wardens, for the

Use of the Parish, by Action of Debt or Information, in any County Court.

VII. And whereas it frequently happens that Masters of Vessels bring with them into this Province Persons who have not wherewith to support themselves and are incapable of getting a Livelihood, by Means of which the Expense of the Parish in which they are left is greatly increased. For Remedy whereof, Be it Enacted, by the Authority aforesaid, That from and after the First Day of January, next after the passing of this Act when any Master of a Vessel from any other Port shall bring into this Province any Person or Persons who may probably be an expense to any Parish within the same, it shall and may be lawful, on Complaint of any Freeholder to any Three Justices of the County where such Master of a Vessel shall at that time reside, for the said Justices, by their Warrant to convene such Master of a Vessel before them and to take the Deposition of Witnesses concerning the Matter of the Complaint; and if on hearing the same, it shall appear to them, or any Two of them, that the Person or Persons brought into this Province has or have not brought with him or them sufficient Effects for his or their Support and Maintenance, and that he, she or they, is or are incapable of getting a Livelihood, by his, her or their Industry, such master of a Vessel shall, by the Judgment of the said Justices, be obliged to give Bond, with Two sufficient Securities, to the Governor, or Commander in Chief for the Time being, in the Sum of Forty Pounds, Proclamation Money, with Condition that he will transport such Person or Persons out of this Province within Six Months from the Date of such Bond or at all Times thereafter indemnify every Parish within this Province from any Expence which they may be at, by Means of such Person or Persons being a Parish Charge; and if such Master of a Vessel shall refuse to comply with such Orders, it shall and may be lawful for the said Two Justices, by Warrant under their Hands and Seals to commit him to the Public Jail, there to remain until he shall comply with the same: And as often as any Person or Persons so imported shall become chargeable to any Parish it shall and may be lawful for the Church Wardens of such Parish to bring Suit, and recover, on the said Bond, in the name of the Governor but to the Use of the Parish, so much as the Parish have been damnified thereby, with Costs of Suit, until the whole Penalty of the Bond shall be recovered.

VIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for the Space of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER VII.

An Act to direct the Method of appraising Lands whereon Forts or Batteries now are, or hereafter shall be erected, for the Defense of this Province.
Obs.

CRAPTER VIII.

An Act to prevent the Exportation of Provisions and live Stock from this Province to the French or Neutral Parts. Exp.

CHAPTER IX.

An Act to prevent the malignant and infectious Distempers being spread by Shipping, importing distempered Persons into this Province, and other Purposes. Rep.

CHAPTER X.

An Act to amend an Act, for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort.

I. Whereas by the Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort, the Pilots appointed in Consequence thereof, are not compellable to go over the Bar of Ocacock, to pilot any Vessel into Beacon Island Road, or any other Place of Safety:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of January next, after the passing this Act, when any Ship or Vessel shall be off the Bar of Ocacock, and bound over the same, and a Signal for a Pilot to come on Board such Ship or Vessel shall be made, some one of the Pilots then in Beacon Island Road, or at Ocacock, if the weather will permit, shall immediately proceed over the Bar aforesaid, to pilot such ship or Vessel into Port; and the Pilot who shall first get up with the said Ship or Vessel, shall carry her into Port, and receive the full Pilotage for the same: And every Pilot appointed according to Act of Assembly, who shall be at Beacon Island Road, or at Ocacock, and shall neglect to go over the Bar when such Signal shall be made, shall Forfeit and Pay the Sum of Ten Pounds, Proclamation Money; to be recovered by any Master of a Vessel who shall be in the least detained for the Want of such Pilot, after making such Signal; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record.

III. And be it further Enacted, by the Authority aforesaid, That when any Vessel whatsoever shall be bound over the Bar of Ocacock aforesaid, whether such Vessel shall make a Signal for a Pilot or not, any Pilot who shall go over the Bar aforesaid, to pilot such Vessel into Port, and offer his service for that Purpose, shall be intitled, although the Master of such Vessel shall refuse to employ him, to half the Fees which he would have been intitled to if he had taken Charge of and piloted such Vessel over the Bar aforesaid; and the Master shall be obliged to pay the same accordingly.

CHAPTER XI.

An Act for ascertaining a proper Place for building thereat a Court-House, Prison, Pillory, and Stocks, for the County of Beaufort. Rep.

CHAPTER XII.

An Act to appoint the place for erecting the Court-house and Prison in the County of Onslow, and other Purposes therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER XIII.

An Act for erecting that part of Rowan County, called Wachovia, into a distinct Parish.

I. Whereas the Unitas Fratrum, or the people called the United Brethren, inhabiting that part of the County of Rowan called and known by the Name of Wachovia, have represented to this Assembly, that their being erected into a separate Parish, will enable them to discharge their several Parochial Duties with greater Ease and convenience than they can at present.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Tract of Land in the County of Rowan, called and known by the Name of Wachovia, and the several Surveys of Land to the said United Brethren belonging, contiguous, and adjoining to the said Tract of Land called Wachovia, according to the known Boundaries and Limits thereof, shall be, and is hereby erected into a Parish, distinct and separate from the Parish of St. Luke, in the said County, and shall be called and known by the Name of the Parish of Dobbs: and shall and may, from Time to Time, hold, use, and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges, as other Parishes in this Province shall, may, or can, do: and all and every other Person or Persons who are, or shall be Inhabitants of the said Parish of Dobbs, shall be, and are from henceforth, released and discharged of and from all Parochial Duties to the said Parish of St. Luke.

III. And be it Enacted, by the Authority aforesaid, That the Freeholders of the said Parish of Dobbs shall, and they are hereby impowered and required, to meet at the Court House of the said County of Rowan, on the First Tuesday in June next, then and there to elect and choose Twelve Freeholders of the said Parish, to serve as Vestrymen of the same: which Election shall be made by the Sheriff of the said County of Rowan, under the like Rules and Restrictions, and under the like Pains and Penalties, as other Election of Vestries in this Province are by Law appointed to be made: and the Twelve Freeholders so elected, within forty Days after being so, shall, instead of the Oaths appointed for the Qualification of public Officers, make a Declaration of the same, according to the Form of the Act of Parliament, intituled, an Act for encouraging the People known by the Name of *Unitas Fratrum*, or United Brethren, to settle in his Majesty's Colonies in America, and subscribe the Declaration by Law appointed to be subscribed by Vestrymen: and from thence forth shall be and are hereby declared to be, the Vestry of the said Parish of Dobbs: and shall and may, and are hereby required, to exercise and use the same Powers and Authorities as any other Vestries in this Province can, may, or ought to exercise, use, or enjoy, and shall be liable to the same Penalties and Forfeitures as other Vestries, or Persons called Vestrymen, are in any Manner liable and subject to: and the said Vestry, when qualified as aforesaid, shall choose Two Church Wardens for the said Parish the ensuing Year, who shall and may continue in Office One Year, and no longer, at which Time the said Vestry shall choose other Church Wardens.

CHAPTER XIV.

An Act for laying out a Road from Orange County Court-House to a Landing on the North West of Cape Fear River.

(Printed in Private Acts, *post.*)

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

JOHN CAMPBELL, Speaker.

LAWS OF NORTH CAROLINA, 1756.

At a General Assembly, began and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four; and from thence continued, by several Prorogations, to the Thirtieth Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty Six: Being the Third session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for granting to his Majesty an Aid of Three Thousand Four Hundred Pounds to defray the Expense of erecting a Fort, raising and paying Two Companies, for the Defense of the Western Frontier of this Province.
(Omitted.)

CHAPTER II.

An Act for the better Regulation of the Militia, and other Purposes. Exp.

CHAPTER III.

An Act to amend an Act for establishing the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, of North Carolina.
(Omitted.)

CHAPTER IV.

An Act for ascertaining the Method of proving Book Debts.

I. Whereas Doubts have arisen upon construction of the Law now in Force, prescribing the Manner of proving Book Debts; For Prevention whereof for the future,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same That in any Action of Debt, or upon the Case, which hath been or shall be brought, where the Plaintiff hath declared, or shall declare upon an Emissit, Indebitatas Assumpsit, Quantum Valebant, or Quantum Meruit, for Goods, Wares, and Merchandises, by him sold and delivered, or for work done and performed, shall file his account with his Declaration; and upon the Trial of the Issue, or executing a Writ of Enquiry of Damages in such Action, shall declare upon his Corporal Oath, or solemn Affirmation (as the case may be) that the matter in Dispute is a Book Account, and that he hath no means to prove the Delivery of such Articles as he shall then propose to prove by his own Oath, or any of them, but by his Book and in that case, such Book shall and may be given in Evidence, if he shall make out, by his own Oath or Affirmation, that such Book doth contain a true Account of all the Dealings, or the last Settlement of Accounts between them, and that all the Articles therein contained, and by him so proved, were bona fide delivered, and that he hath given the Defendant all just

Credits; and such Book, and Oath or Affirmation, shall be admitted and received as good evidence in any Court of Law, for the several Articles so proved to be delivered within Two Years before the said Action brought, but not for any Article of a longer standing; And where the Person who delivered such Goods, Wares, or Merchandises, or performed such Work and Labour, shall die, his Executors or Administrators may give his Book in Evidence, upon his or their making Oath, or Affirmation, that they verily believe the Account as there charged is Just and true, and that there are no Witnesses to his or their Knowledge, capable of proving the Delivery of the several Articles as he shall propose to prove by the said Book, and Oath or Affirmation, and that he found the Book so stated, and doth not know of any other or further Credit to be given than what is there mentioned; and such Book, and Oath or Affirmation, shall be admitted and received as Evidence for any Articles delivered within the time aforesaid.

III. But whereas it may be inconvenient and hazardous, by reason of bad Weather or Accidents, to carry Books of Accounts, great Distances to Court, when a Copy of the Account, proved in the same Manner as by this Law, the Book is to be proved, may satisfy the Defendant as fully; Be it therefore Enacted, by the Authority aforesaid, That a Copy from the Book of Accounts proved in Manner hereinbefore directed, shall and may be given in Evidence in any such Action as aforesaid, and shall be as available as if such Book had been produced, unless the Defendant, or his Attorney, shall give notice to the Plaintiff, or his Attorney, at the joining of the Issue, that he will require the Book to be produced at Trial; and in that Case, no such Copy shall be admitted, or received as Evidence.

IV. Provided nevertheless, That the Defendant shall be at Liberty to contest the Plaintiff's Evidence, and oppose the same by other legal Evidence; and where the Defendant shall be an Executor or Administrator, his Testator or Intestate's Book, shall and may be given in Evidence against the Plaintiff's Book, where the Plaintiff is an Executor or Administrator, for such Articles as shall be proved in Manner aforesaid.

V. Provided also, That no Book of Accounts, although the same may be proved by Witness or Witnesses, shall be admitted or received as Evidence in any Action for Goods, Wares, or Merchandises delivered, or for Work done, above Five Years before the said Action brought; except in case of Persons being out of the Government, or where the Account shall be settled and signed by the Parties.

VI. Provided nevertheless, That no Plaintiff shall be at Liberty to prove by his Book, and Oath or Affirmation as aforesaid, on the Trial of any such Action as aforementioned, any Article or Articles, the amount whereof shall exceed the Sum of Thirty Pounds, Proclamation Money.

VII. And for preventing a Multiplicity of Law suits, Be it further Enacted, by the Authority aforesaid, That in all cases where there are, or shall be mutual Debts subsisting between the Plaintiff and Defendant, or if either party sue, or be sued, as Executor or Administrator, where there are mutual Debts subsisting between the Testator or Intestate, and either Party, one Debt may be set against the other, either by being pleaded in Bar, or given in Evidence, on the General Issue on Notice given of the Particular Sum intended to be set off, and on what Account the same is due notwithstanding such Debts shall or may be deemed in Law to be of a different nature; but if either Debt arose by Reason of a Penalty, the Sum intended to be set off shall be pleaded in Bar, setting forth what is justly due on either side; any Law, Usage, or Custom, to the contrary, in any wise notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That one Act

of Assembly made in the Thirteenth Year of his present Majesty's Reign, intituled an Act prescribing the Method of proving Book Debts, shall be and is hereby repealed.

CHAPTER V.

An Act for the punishment of Mutiny and Desertion, and preventing the harboring and entertaining of deserted Soldiers. Exp.

CHAPTER VI.

An Act for the relief of such persons as have suffered or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes, and to prevent Suits and Law Suits concerning Lands.

I. Whereas from the Difficulty of convening Witnesses to Deeds and mesne Conveyances before the Chief Justice, or before the Court of any County wherein the Lands by the same granted lie, many of them have not been proved or registered within the Time heretofore appointed by Law for that Purpose, which may occasion litigious Law Suits, and the Estates of fair and honest Purchasers thereby be drawn in question: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, or acknowledged or proved, shall and may in Eighteen Months after the passing of this Act, be acknowledged by the Grantors, their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered and delivered to the Registers of the Counties wherein such Lands, Tenements and Hereditaments, respectively lie, and all deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, hereafter to be made, shall and may at any Time within Two Years from the respective Dates thereof, be acknowledged or proved in Manner aforesaid, and delivered to the Registers of the Counties wherein they are respectively situated.

III. And be it further Enacted, by the Authority aforesaid, That all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved, according to the directions of this Act, and also all such as have been heretofore recorded by the Clerk, or Registered by the Register of any Precinct or County wherein the Lands or Tenements mentioned in the same lie, though not within one Year after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered, agreeable to the direction of any Act of Assembly heretofore made; and the Registry, or Copy of the Record of any Deed or Conveyance, registered or recorded as mentioned in this Act and attested by the Register or Clerk, shall and may, where the Original Deed or Conveyance is lost, be given in Evidence in any Court of Record, and shall be held, and is hereby declared to be full and sufficient Evidence of such Deed or Conveyance; any Law, Statute, or Usage, to the contrary notwithstanding.

IV. Be it further Enacted by the Authority aforesaid, That the Grantee or Grantees, in any Deed heretofore made, or hereafter to be made, shall

and may at his own Expense, on Motion to the County Court wherein the Land by the same granted lies, obtain a Summon for any one or more of the Subscribing Witnesses to such Deed, which shall be signed by the Clerk, and directed to the Sheriff, Commanding him to summon such Witness to appear at the next County Court, and give his Evidence concerning the Execution of such Deed, under the Penalty of Twenty Pounds: And the Sheriff shall, and is hereby required to execute the same, at least Five Days before the Court to which the same is returnable, and make due return thereof; for which Summons, Service and Return, the Clerk and Sheriff shall be paid the same Fees as are allowed on issuing, serving, and returning, Subpoenas in Actions; and if any Witness to a Deed, so summoned, shall fail to appear on the Return of such Summons, the Court shall give Judgment against him for the Penalty aforesaid, for which Execution may be taken out, either against his Body or Goods, by him or them at whose Instance he shall be summoned, unless he show sufficient Cause to the next succeeding Court for not having appeared to give his Evidence.

V. And be it Enacted, by the Authority aforesaid, That every Register who shall neglect or delay to register any Deed or Conveyance within Two Months after the same shall be delivered to him such Register, for each and every Two Months he shall so neglect or delay, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; one Half to the Church Wardens, for the Use of the Parish wherein he shall reside, and the other half to him or them who will sue for the same; to be recovered by Action of Debt with Cost.

VI. And whereas the Validity of several Patents, granted by the Deputies of the late Lords Proprietors, has been questioned, on Supposition that their Power had been determined before the Arrival of a Governor in this Province, appointed by his Majesty; Wherefore to secure the Possession of such as complied with the Forms of Government, then used, in taking out Patents, Be it Enacted by the Authority aforesaid, That all Patents made and issued by the Deputies of the late Lords Proprietors, at any Time whilst they had the Administration of the Government of this Province, until the Revocation or Determination of their Power to grant Lands, was publicly signified and made known by some Public Act of Government, shall, and are hereby declared to be good and available in Law, and shall enure and take effect, as fully and absolutely, to the Benefit and Advantage of all Persons in Possession of any Lands granted thereby, and to their Heirs and Assigns as if their Power to make and issue such Patents had, at the Time of issuing and making the same, been in no wise revoked or determined, except such as have been by the Patentees at any Time resigned and surrendered; which Patents so resigned or surrendered, shall receive no validity hereby and shall be of no more Force or Efficacy, than they would have been before the passing this Act; any Thing herein, to the contrary, notwithstanding.

CHAPTER VII.

An Act to amend an Act, intituled An Act to restrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs.

I. Whereas by the Directions of the before recited Act, several Public Warehouses have been built on shallow Streams, to which large Vessels cannot be navigated; and it is found frequently necessary that Tobaccos,

received and inspected in those warehouses, should after Inspection, be lodged in such others as are more convenient to Navigation.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Tobaccos hereafter to be Inspected in any Public Warehouse, shall and may, for the greater Convenience of Shipping, be lodged in any other Public Warehouse; and the Inspectors are hereby required to receive the same, for which they shall give receipts, mentioning the Warehouse in which they were inspected, and shall be obliged to deliver them, to such Person or Persons as shall hereafter produce such Receipts on Payment of Eight Pence for every Cask of Tobacco which shall be so received and delivered.

III. And whereas the Justices of the Court of Chowan, have already laid a Tax on the Inhabitants of that County for building a Public Warehouse and Wharf at Edenton; but the Commissioners appointed by the said Order to contract with Workmen for the Purposes aforesaid, have failed to comply with the same; Be it therefore Enacted by the Authority aforesaid, That the Tax so laid, shall be collected by the Sheriff, who is hereby required to pay the same to Thomas Barker, Joseph Blount, Joseph Herron, Edward Vail, and Charles Blount, Gentlemen, who, or a Majority of them, are empowered and required, to contract with Workmen for building one or more Public Warehouses at Edenton aforesaid, for the Receipt of Tobaccos, and a Public Wharf for the Conveniency of landing the same; the Expence of which shall be paid out of the Monies arising by Virtue of the said Tax.

IV. And whereas the Quantities of Tobacco which will be lodged in the Warehouse at Edenton, will probably be much greater, and it will consequently be requisite that the Warehouse be much larger, or that more Warehouses should be built, than at the Time of laying the Tax by the Justices of Chowan County was apprehended: Be it Enacted by the Authority aforesaid, That an Additional Tax of One Shilling per Taxable, be laid on each Taxable Person within the county of Chowan, for the year next ensuing: to be collected by the Sheriff, and paid into the Hands of the said Thomas Barker, Joseph Blount, Joseph Herron, Edward Vail, and Charles Blount, or to such Person or Persons as they, or a Majority of them, shall order; to be applied to the building of the said Warehouse or Warehouses, and Wharf; an Account of which shall be given on Oath to the Justices of Chowan County; and if, after paying the Expence of building the Warehouse or Warehouses, and Wharf as aforesaid, there shall be any Money remaining, the same shall be applied to defraying the Contingent Charges of the County of Chowan.

V. And be it further Enacted, by the Authority aforesaid, That if any Public Warehouse shall happen to be burnt, the Loss sustained thereby shall be made good to the sufferers by the several Counties in which the said Tobacco shall be received, and from which they shall be sent to any of the said Public Warehouses; any Law, Usage, or Custom to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall, wilfully and on Purpose, set on Fire any Public Warehouse within this Province, such Offence shall be deemed, and is hereby declared to be felony; and the Offender or Offenders, his, her or their Aidors and Abettors, on being lawfully convicted thereof, shall suffer as in Cases of Felony, without Benefit of Clergy.

CHAPTER VIII.

An Act for laying a Tax for repairing the Court House in Edenton.

(Printed in Private Acts, *post.*)

CHAPTER IX.

An Act for re-establishing several Counties and Towns, and for other Purposes.

I. Whereas, his Majesty, by his Orders in his Privy Council, dated the Eighth Day of April, One Thousand Seven Hundred and Fifty Four, did repeal, declare void, and of none Effect, Twelve Acts passed at Sundry Times in this Province; which Acts are intituled, as follows, viz:

An Act appointing that Part of Albemarle County, lying on the West side of Chowan River, to be a Precinct, by the Name of Bertie Precinct, Passed in the Year 1722.

An Act for incorporating the Sea Port of Beaufort, in Carteret Precinct, into a Township, by the name of Beaufort, Passed in the Year 1723.

An Act to appoint that Part of Albemarle County, lying on the South Side of Albemarle Sound and Morattuck River, as high as the Rainbow Banks, to be a Precinct, by the name of Tyrrell Precinct, Passed in the Year 1729.

An Act to establish the Precincts of Onslow and Bladen, and for appointing them distinct Precincts, Passed in the Year 1734.

An Act for erecting the village called Newton, in New Hanover County, into a Town and Township, by the Name of Wilmington, and regulating and ascertaining the Bounds thereof, Passed in the Year 1739.

An Act for confirming Titles to the Town Lands of Edenton, for securing the Privileges heretofore granted to the said Town, and for the further Encouragement and Regulation thereof, Passed in the Year 1740.

An Act to confirm and erect that part of the Province called Edgecomb County into a County, by the Name of Edgecomb County, and for establishing the said County a Parish, and for ascertaining the Boundary Line between the North West and Society Parishes, in Bertie County, Passed in the Year 1741.

An Act for erecting the upper Part of Bertie County into a County, by the Name of Northampton County and for regulating the Limits between Society Parish and the North West Parish of Bertie, and for removing the seat of Bertie County Court, Passed in the Year 1741.

An Act for erecting the Upper Part of Craven County into a County and Parish, and for appointing a Place for Building a Court House, Prison and Stocks, in the said County, Passed in the Year 1746.

An Act for dividing Edgecomb County and Precinct, and for erecting the upper part thereof into a County and Parish, by the Name of Granville County and St. John's Parish, and for appointing Vestrymen of the said Parish, Passed in the Year 1746.

An Act for erecting the upper Part of New Hanover County into a County and Parish, by the Name of Duplin County, and St. Gabriel Parish by the name of Duplin County and St. Gabriel's Parish, and for appointing a Place for building a Court House, Prison and Stocks, in the said County, Passed in the Year 1749.

An Act for erecting the upper part of Bladen County into a County and Parish, by the Name of Anson County, and St. George's Parish, and for

appointing a Place for building a Court House, Prison and Stocks in the said County, Passed in the Year 1749.

II. And whereas his Majesty, taking into his Royal Consideration the Humble Representation of the Assembly of this Province, setting forth that many Inconveniences, with respect to the future Settlement of this Province might arise from the Repeal of the said Acts; his Majesty has been graciously pleased by an instruction from their Excellencies the Lords Justices to the Governor of this Province dated the First Day of July, One Thousand Seven Hundred and Fifty Five, to authorize and direct the said Governor to give his Assent to any Acts which shall be passed by the Council and Assembly of this Province, for re-establishing the several Towns, Precincts, and Counties heretofore erected by the Twelve Acts which have been repealed as aforesaid, and for confirming the rights of the People, as by the said Acts they were established, under certain Provisions and Restrictions in the said Orders mentioned; Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the several Divisions, Precincts or Districts of this Province, which have heretofore belonged to the several and respective Counties and Towns aforesaid, before the Repeal of the before recited Acts of Assembly, shall, and they are hereby declared to be re-established into Counties and Towns, by the several and respective Names by which each Division, Precinct or District, at the Time of repealing the aforesaid Acts, was known and denominated; and each of the said Counties shall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

III. Provided always, That nothing herein contained shall be construed deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs or Successors, of granting Letters of Incorporation to the said Counties and Towns; of ordering, appointing, and directing the Election of a Member or Members, to represent them in Assembly; and of granting Markets and Fairs to be kept and held in them respectively: But that the said Right and Prerogative may and shall, at all Times hereafter be exercised therein by his said Majesty, his Heirs or successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

IV. And be it further Enacted, That all Deeds and Conveyances for the conveying of any Lands, Lots, or Tenements, in either of the Counties or Towns aforesaid, to any Person or Person whatsoever, either to the Use of the Public, or to their own Use, in Consequence of any or either of the said Acts of Assembly so repealed as aforesaid, shall and are hereby declared to be good and valid in Law; and shall enure and take effect as fully, to the benefit of the Grantees, their Heirs and Assigns, and all others concerned, as if the same Acts had never been repealed.

V. And be it further Enacted, by the Authority aforesaid, That the Five Acts of the General Assembly of this Province, intituled, as follows, viz.:

An Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish of St. Matthew; and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned, Passed in the Year 1752.

An Act for erecting the upper Part of Anson County into a County and Parish by the Name of Rowan County, and St. Luke's Parish, and for appointing a Place for holding a Court in said County, Passed in the Year 1753.

An Act for the further and better Regulation of the Town of Wilmington,

and for repealing the several Acts therein mentioned, Passed in the Year 1754.

An Act for granting unto the Town of Brunswick, the Privilege of choosing and sending a Representative to the General Assembly, Passed in the Year 1754.

An Act for erecting the Upper Part of Bladen County into a County and Parish, by the Name of Cumberland County, and St. David's Parish, Passed in the Year 1754; containing certain Clauses forbid by his Majesty's said Orders, dated the first day of July, One Thousand Seven Hundred and Fifty Five, be and are hereby repealed, and from henceforth declared void and of none effect.

CHAPTER X.

An Act to amend an Act for Impowering the several Commissioners therein after Named to Make, Mend and Repair all Roads, Bridges, Cuts and Water courses already laid out, or hereafter to be laid out, in the several Counties and Districts therein after appointed, in such Manner as they judge most useful to the Public, and other Purposes.

I. Whereas the Act intituled, An Act for empowering the several Commissioners hereinafter named, to make, mend and repair, all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts thereafter appointed, in such manner as they judge most useful to the Public, hath not provided any remedy for the inconveniencies hereinafter mentioned:

II. Be it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all Persons liable to work on the public roads, shall be obliged to work in the District where they tend the Crop, and not in any other, altho they should be summoned by Virtue of a Summon issued by a Commissioner or Commissioners of the Roads of any other District for that Purpose.

III. And also whereas, by another Act, intituled, An Act to empower the Justices of Johnston County to divide the same into Districts and to appoint Commissioners for the Roads; the said Justices neglected to divide the said County into Districts, and appoint Commissioners for the Roads, within the time prescribed by the last recited Act; Be it enacted by the authority aforesaid, That the Justices of the said County Court, may, at any time after the passing of this Act, divide the said County into Districts, and appoint Commissioners of the Roads; which said Commissioners so appointed shall be invested with the same powers and authorities as other Commissioners appointed by the first recited Act. And that all roads heretofore laid out, and worked upon by the direction of the Commissioners appointed by the County Court altho not appointed within the time limited in the last recited Act, shall be held to be useful for the Benefit of Travellers; and all Acts and things done and performed by the Commissioners concerning the said Roads, shall be, and are hereby deemed to be good and valid.

IV. And whereas there are but Four Commissioners of the Roads in the District from Old-Town Creek to Levingston's Creek, in New Hanover County; Be it enacted by the authority aforesaid, That Mr. James Murray is hereby appointed a Commissioner in the said District, and shall have the same power and authority as any other Commissioner of the Public Roads.

V. And whereas Bladen County extends down the North West River of Cape Fear, the Distance of Fifteen Miles below the upper Bounds of New

Hanover County, which makes it very inconvenient for the Inhabitants of Bladen County to work on the Public Roads in that District; For Remedy whereof, Be it Enacted by the Authority aforesaid That a North East Line be run directly from, and opposite the Mouth of Livingston's Creek, to Black River then down the said River to the Mouth thereof, and then up the North West River to the Mouth of the said Creek; and all the Lands within the said Bounds are hereby annexed to the County of New Hanover, and shall hereafter be deemed and held to be within the Limits of the same, and make Part of the North West District of New Hanover County; and the Inhabitants thereof subject and liable to such Duties, Taxes, and Impositions, and also intitled to the Rights, Privileges and Advantages, as the other Inhabitants of the said County are.

VI. And whereas a nearer and more convenient Road than that now used, may be made from the Ferry at Mount Misery towards South Carolina. Be it enacted, by the authority aforesaid, That the Commissioners of the Roads for the North West District of New Hanover County, or the majority of them, shall, and they are hereby impowered and required, as soon as conveniently may be, to lay out, or cause to be laid and staked out, the said Road from Mount Misery aforesaid; and the Commissioners of the several Districts through which the said Road shall pass, shall make and clear the said Road, make, mend, and repair the Bridges thereof, within their several and Respective Districts; under the same penalties and forfeitures, as they are liable to for their neglect of any other Public Roads.

VII. Provided nevertheless, That the Commissioners of the North West District of New Hanover County shall not be liable to any penalties for not clearing the River, until their part of the Road from the Ferry at Mount Misery towards South Carolina, is finished, anything herein contained to the contrary notwithstanding.

VIII. And be it further enacted, by the Authority aforesaid, That another District shall be, and is hereby appointed, by the name of the South District of St. Philip's Parish; which district shall include the forks of Town-Creek, thence to the Forks of Lockwood's Folly, thence down the South West side of Lockwood's Folly River, to the South bounds of this Province, and to the bounds of the County of New Hanover; and that Mr. Richard Eagles, Jun., Mr. William Alston and Mr. Usher Espy be Commissioners of the roads for the said District, with the same power and authorities and liable to the same duties and penalties as any other Commissioner of the Roads.

IX. And whereas many disputes have arisen between the Inhabitants of the White Marsh District in Bladen County, and the Commissioners of the Roads for that District, concerning the Legality of their appointment; Be it enacted by the authority aforesaid, That Robert Rowan, Samuel Waters, John Turner, David Morlay, and John Green, Be, and are hereby appointed Commissioners of the aforesaid District, with the same powers and authorities and liable to the same duties and Penalties, as any other Commissioners.

CHAPTER XI.

An Act for establishing Public Roads and Ferries; and for the Better Regulation of the Same in Several Counties.

I. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That all Roads and Ferries in the Counties of Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrel, Edgecomb, Northampton, and Granville, that have been laid out, or appointed by Virtue of any Act of Assembly heretofore made, or by Virtue of any Order of Court grounded thereon, are hereby declared to be Public Roads and Ferries; and that from Time to Time, and at all Times hereafter, the County Court of each of the said Counties, shall have full Power and Authority to appoint and Settle Ferries; and to order the laying out Public Roads, where necessary, and to appoint where Bridges shall be made, for the Use and Ease of the Inhabitants of each County and to discontinue such Roads as now are, or shall hereafter be made, as shall be found useless, and to alter Roads so as to make them more Useful, as often as Occasion shall require.

II. And be it further Enacted, That all Roads hereafter to be laid out, shall be laid out by a Jury of Twelve Men, appointed by the County Court; which Jury being Freeholders, shall take an Oath to lay out the same to the greatest Ease and Conveniency of the Inhabitants, and as little as may be to the Prejudice of any Private Person; and the Damages which shall be sustained by any Private Person in laying out such Road, shall be ascertained by the same Jury, on Oath, who laid out such Road, to be equally assessed by the Court, and levied and collected by the overseer of such Road, on the Tythable Persons which ought to work on the same, and by him paid to the Party injured.

III. And be it further Enacted, That if any Person or Persons, after the passing this Act, not impowered to keep Ferry shall pretend to keep any Ferry, or to transport any Person or Persons, or their Effects for Pay, within Ten Miles of any Ferry, (being on the same River or other Water) which is already or hereafter shall be appointed, such Person or Persons so pretending to keep Ferry, or Transporting any Person or Persons or their Effects, shall Forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every such Offence, to the nearest Ferryman; to be recovered by a Warrant from any Justice of the Peace, upon full Proof thereof made before him.

IV. And be it further Enacted, That all such Persons who shall hereafter undertake, to keep any Public Ferry by Appointment, and do not provide good and Sufficient Boats, or other Proper Craft, and keep the same in good and sufficient Repair, and well and sufficiently attended, for the Passage of all Travellers and their Effects, shall Forfeit and pay Ten Pounds, Proclamation Money, for every Neglect; one Half to the Informer, and the other Half for and towards lessening the County Tax; to be recovered in the County Court where the Offence shall be committed.

V. And be it further Enacted, That all Public Roads already laid out, or now in Use, or which shall hereafter be laid out, shall be cleared of and from all Trees, Stumps, and Brush, at least Twenty Feet Wide, and such Limbs of Trees as may incommode Horsemen shall be cut away; all Bridges or Causeways made, or to be made over Swamps, low Lands, or Small Runs of Water, the Pieces wherewith the same shall be made, shall be laid across the Road, and at least Fourteen Feet Long, well secured, made Fast, and covered with Earth; and all Bridges over Deep and Navigable Streams, shall be made at least Twelve Feet Wide, with good sawed Planks, at least two

Inches Thick, with Firm and Strong Posts, Rails, and Bearers, well secured and fastened; and for that Purpose the Overseer of the Road to which any of the Bridges aforesaid shall belong, shall and may lawfully cut and take from off the Lands of any Person next adjacent to such Bridge, such and so much Timber only, as shall be necessary for that Use.

VI. And be it further Enacted, That where a Bridge shall be Necessary over any Place, where the Surveyors with their Assistants cannot conveniently make it, the Court of that County wherein such Place shall be, is hereby impowered and required, to contract and agree for the Building, keeping, and repairing thereof; and to levy the Charge in their County Levy:

And when Bridges shall be necessary, over any such Creek or River which divides One County from another, the Court of each County shall join in the agreement for building, keeping, and repairing the same, and the Charge thereof shall be defrayed by both Counties, in Proportion to the Number of Taxables in each.

VII. And be it further Enacted by the Authority aforesaid, That all and every Contract, Agreement, and order by the Justices of the Court of any of the Counties aforesaid, entered into or made, for or concerning the Building, keeping or repairing Bridges, in such Manner as to them shall seem most Proper, shall be good and available against them, and their Successors.

VIII. And be it further Enacted, That the Courts of the said Counties, shall, annually appoint Overseers of the Highways or Roads, who are by this Act obliged to Summon, all Male Taxables from the age of Sixteen to Sixty, (except such Person as are, or shall be exempted from Public Services by the Assembly) within their Districts, to meet at such Places and Times as to them shall seem Convenient, for the repairing or making such Roads as shall be necessary; and except such as are or have been heretofore by Law excused from appearing at Musters, and such as send Three Slaves to work on the Public Roads; and whosoever shall, upon such Summon, refuse or neglect to appear, or to do and perform their Duty therein, shall Forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, for each Neglect; to be recovered by a Warrant from a Magistrate of the County, and paid by the Sheriff or Constable unto the Overseer; and by him to be expended in hiring other Hands to work on said Roads. Provided nevertheless, That nothing herein contained shall be construed to exempt Overseers of Slaves from working on Roads.

IX. And be it further Enacted, That all Overseers of Roads which shall neglect or refuse to do their Duty, as is by this Act directed, or who shall not keep Roads or Bridges Clear, and in Repair, or let them remain uncleared or out of Repair, for and during the Space of Ten Days, unless hindered by extreme bad Weather, such Overseer shall Forfeit for each and every such Offence, the Sum of Twenty Five Shillings, over and above such Damages as may be sustained; and to be recovered by a Warrant from a Magistrate, by any Person taking out the same, and to be applied to his own Use.

X. And be it further Enacted, That from and after the passing of this Act, the Court of each of the said Counties shall have full Power and Authority, and they are hereby directed and required, to compel all Persons that now do, or hereafter shall be appointed to keep a Public Ferry, within the said Counties, to give Good and sufficient Security in the Sum of One Hundred Pounds, Proclamation Money, payable to the Chairman of the said Court, and his Successors; with Condition, that he or they shall and will constantly find, provide and keep good and sufficient Boats, or other Proper Crafts, in Good repair, always to be well attended for Travellers or other Persons, their Horses, Carriages, and Effects, over any River or Creek; and

if any Person shall receive Damages by any Ferryman's not having complied with the Condition of his Bond, the Person who has so received Damage, shall and may bring an Action of Debt against such Ferryman on the said Bond, in the Name of the Chairman, and recover, for the Non Performance of the said Condition, so much Damages as he shall appear to have sustained, and thereupon take out Execution for whatever shall be so recovered, and apply the same to his own Use: And it shall and may be Lawful for any Person detained at any Public Ferry, by Means of the Ferryman's not having sufficient Boat or other Proper Craft, and Hands, or by his neglecting to do his Duty, by a Warrant from a Justice of Peace, to recover of such Ferryman, Twenty Five Shillings, Proclamation Money, for such Default or Neglect.

XI. And be it further Enacted, That upon proper application made to any of the County Courts mentioned in this Act, for clearing Navigable Creeks in their respective Counties, it shall and may be lawful for the said Courts, and they are hereby directed and required, to appoint such Overseers of the Roads as live most Convenient to such Creeks, with their Companies, to do and perform the same as soon as may be, after being so directed; and upon Neglect or refusal of such Overseer or Company, or any of them, to do and perform such Work or Service, upon due Proof thereof, he or they so refusing or neglecting, shall be liable to the same Fines and Forfeitures as for Neglect or refusal of their Service on the Roads; which shall be recovered and applied in the same Manner.

XII. And be it further Enacted, That all and every Act and Acts, Clause and Article thereof, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, is, and are hereby declared repealed, and from henceforth Null and Void.

CHAPTER XII.

An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town.

I. Whereas the Laws heretofore made for regulating the Town of New Bern have been found inconvenient: For Remedy whereof,

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Freeholders of the said Town to meet at the Court House annually on the Second Tuesday in November, and then and there to choose Five Freeholders of the said Town to be Commissioners for the ensuing Year; which Election of Commissioners shall be by the suffrage of the Majority of the Freeholders of the said Town; and that upon the said Commissioners being so chosen and elected, and their Names entered on the Journals of the said Town, they shall before they enter upon the Execution of their Office, take the following Oath.

I, A. B. do swear that I will execute the Office of a Commissioner, for the Town of New Bern, faithfully, impartially and truly without favor, affection or Prejudice; and that I will to the utmost of my Power, in all Things act for the good of the said Town, and the well Governing of it, to the best of my skill and Judgment. So Help me God.

Which said Commissioners, after they have been so sworn shall proceed to choose one out of their Number to be Treasurer of the said Town; into whose Hands all Monies arising by the Sale of Lots in the said Town, or

otherwise arising howsoever arising or becoming due to the said Town, shall be paid, and there kept till disposed of as hereafter directed.

III. And be it further Enacted, by the Authority aforesaid, That the said Treasurer, before he enters upon the Execution of his said Office, shall give Bond, with two sufficient Securities, in the Sum of Two Hundred Pounds Proclamation Money, to the Commissioners of the said Town and their Successors, for the faithful Discharge of his said Office.

IV. And for the better determining who shall be qualified to be elected as Commissioners of the said Town; Be it Enacted, That no Person shall be deemed qualified to act as Commissioner of the said Town of New Bern, unless he hath a lot of land therein, with a House on the same, of not less dimensions than Twenty Four Feet long, and 16 Feet wide, with a Brick Chimney or Chimnies to the same; and who shall have besides, a visible Estate, of at least One Hundred Pounds, Proclamation Money.

V. And whereas by the laws heretofore made for Regulating the said Town the Method therein prescribed for clearing the Streets, making and repairing the Bridges, and Public Wharfs, has been found inconvenient; Be it Enacted by the Authority aforesaid, That the Commissioners of the said Town, together with the Freeholders thereof, shall meet at the Court House in the said Town on the Third Tuesday in November, next after the passing of this Act, and so yearly, and every year, on the said Third Tuesday in November, and then and there, by the Consent of the Majority of the said Commissioners and Freeholders then met, lay such a Tax on the Inhabitants of the said Town, as shall be sufficient to defray the Expence of clearing, making and repairing the Streets, making and mending Public Wharfs and Bridges, and for doing all Public Services the Inhabitants of the said Town are now subject to do and perform; and for defraying the Expense of procuring a correct Plan of the said Town, and for all other necessary expenses the Commissioners may be at, in building a Pound, employing a Clerk, or appointing Guards or Watches, or other Contingencies that may happen: provided the said Tax does not exceed the Sum of Ten Shillings, Proclamation Money, per Poll; which said Tax shall be collected by the Sheriff of the County of Craven, and paid to the Treasurer of the said Town, within One Month after the same shall be laid; and if any Person shall withhold, and not pay the said Tax, within One Month after the same is laid, it shall and may be lawful for the said Sheriff to make Distress and Sale of the Offender's Goods and Chattels in the same Manner as for Non-payment of other Taxes, and to take and receive for his Trouble Two Shillings and Eight Pence, Proclamation Money.

VI. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town of New Bern shall be for ever hereafter excused from working on the Streets of the said Town, or from working on the Country Public Roads, so long as they continue to live in the said Town and no longer.

VII. And whereas the settlement of the said town of New Bern hath been much retarded, by Persons taking up Lots in the said Town, and not building thereon, as by the Tenor of their Deeds or Grants is provided; and whereas after the Time limited therein for improving the same, the same Persons have been permitted to enter and take up the same again, whereby many Lots in the said Town lie unimproved; For Prevention whereof, Be it Enacted by the Authority aforesaid, That the Commissioners of the said Town, for the Time being, or any Three of them, are hereby authorized, empowered, and directed, to grant, convey, and acknowledge, under the same Restrictions and Limitations in Deeds given for Lots by former Commis-

sioners of the said Town, to any Person requiring the same, and to their Heirs and Assigns, for ever, in Fee Simple, any Lot or Lots of Land within the said Town, not already taken up and built on, agreeable to the Laws heretofore made for regulating the said Town, or any Lot or Lots that may hereafter be liable to be taken up for want of being built on as aforesaid, he or they paying for each Lot Twenty Shillings, Proclamation Money, for the Purchase Money thereof, to and for the Use of the Proprietors of the said Town.

VIII. Provided nevertheless, That where any Person or Persons shall hereafter take up any Lot or Lots in the said Town, and shall not build thereon, within Eighteen Months from the Date of their Conveyance, a good habitable Brick, Stone or frame House, of not less dimensions than Sixteen Feet wide and Twenty Four Feet long, the same Person (except where the Title of such Lot or Lots, before the expiration of the Time for building thereon, shall fall to a Minor or Minors) shall not be allowed to take up the same again until the said Lot or Lots hath lain vacant Six Months; but the same may be immediately or at any Time, granted to any other Person or Persons desiring the same, on the Conditions hereinbefore mentioned.

IX. And whereas sundry Disputes may hereafter arise concerning the Titles to Lots in the said Town of New Bern, and the Bounds thereof; Be it Enacted by the Authority aforesaid, That the Commissioners or Justices, formerly appointed by an Act of Assembly of this Province, and their Successors are hereby declared to have had a good, absolute, indefeasible Estate, in Fee in the Two Hundred and Fifty Acres of Land, laid out by the said Act, for the said Town of New Bern, in Trust and Confidence, to and for the Uses in the said Act mentioned; and the Commissioners by this Act to be elected and chosen are hereby declared to have a good, absolute and indefeasible Estate, in Fee, in all such Lots within the said Town, which have not been disposed of by the former Commissioners or Justices, and built on agreeable to Law in Trust and Confidence, to and for the Uses in this Act mentioned, and the said Two Hundred and Fifty Acres of Land, laid out for the Town of New Bern as aforesaid, shall forever hereafter be confirmed to the said Commissioners for the Time being, in Trust and Confidence, to and for the Uses in this Act mentioned. And all and every Person and Persons whatsoever who have heretofore purchased and paid for any Lot or Lots in the said Town, and have fully complied with the Conditions of their Deed or Grant, or who may hereafter purchase, pay for, and fully comply with the Condition of their Deed or Grant, are hereby declared to be invested with a good, absolute and indefeasible Estate, in Fee, to such Lot or Lots, and the same are hereby confirmed, in Fee to such Person or Persons, and to his and their Heirs and Assigns, for ever.

X. And be it further Enacted, by the Authority aforesaid, That all Water or Front Lots adjoining the Streets or Lots of the said Town of New Bern, shall be deemed, held, and be taken to be Part of the said Town; and it shall and may be lawful for any Person to take up the same, and build thereon any Wharf, Store-house, or other Improvement, as they shall think Proper, after giving three Months Notice in Writing to the Owner or Owners of such Lot or Lots as shall front such Water Lots: And where any of the said Water or Front Lots have been heretofore sold and conveyed by Cullen Pollock, Esqr., deceased, the late Proprietor of the said Town, or any former Commissioners of the said Town, to any Person or Persons whatsoever, such sale is hereby declared to be good and available in Law, to pass the Fee Simple Estate of such Lot or Lots to such Purchaser or Purchasers, his or their Heirs and Assigns, for ever; and such Purchaser or Purchasers, his

or their Heirs and Assigns, are hereby declared to have a good absolute, and indefeasible Estate, in Fee, in and to the same.

XI. And for quieting the Inhabitants of the said Town in the Possession of their Lots within the same, Be it Enacted by the Authority aforesaid, That where a Certificate shall be obtained from the Commissioners of the said Town, on Oath made in the County Court of Craven, by one credible Witness, that any Lot or Lots within the said Town have been saved according to the Deed or Grant for the same, such Certificate or Oath shall be deemed good Evidence in any Court within this Province, against any other subsequent Deed or Deeds that shall or may be given for any Lot or Lots within the said Town; and all Courts within this Province are hereby required to receive such Certificate or Oath as Evidence Accordingly.

XII. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town shall choose a proper Person to be Clerk of the said Town, who shall before he enters upon the Execution of his Office give Bond to the Commissioners of the said Town with Two good and sufficient Sureties, in the Sum of One Hundred Pounds, for the due Execution of his Office; which Clerk shall keep a regular and fair Journal of all the Proceedings of the Commissioners of the said Town, and register therein all Deeds given by the Commissioners for Lots in the said Town, with the time when they were Granted, and to whom; and also of the time when the same became lapsable, if suffered to become so; to which Book all Persons shall have free access, on Paying One Shilling, Proclamation Money, on Penalty of Twenty Shillings like Money for every refusal; to be recovered as herein after directed; And the said Commissioners are hereby empowered and required to cause the Streets and Passages of the said Town to be laid out, beginning at the South West Corner of the Church Lots, and good substantial Posts to be set up at the Corner of every Square of Lots in the said Town; and also to cause a true and exact Plan of the said Town to be made, with proper Descriptions, and lay the same before the next Session of Assembly, and if by them approved of, to be forever hereafter deemed the true Plan of the said Town. Provided, That in such Plan Regard be had to the first Owner of every saved Lot, to preserve his title thereto, although it should appear to be misnumbered.

XIII. And whereas the Fence lately erected around the said Town is, by Reason of its being done with Rails only, gone greatly to decay, the Rails being many of them rotten; and whereas it will be commodious for the Inhabitants of the said Town that the said Fence be kept in good Repair, Be it Enacted by the authority aforesaid, that the said Commissioners and Freeholders at the Time they lay the Tax on the Inhabitants of the said Town for clearing the Streets thereof, shall and they are hereby empowered and required, to lay such other Tax on the Owner or Owners of every saved lot or Lots within the said Town, as shall be sufficient to fence the said Town with Posts and Rails, and to keep the same in continual repair; Provided, that such Tax does not exceed one shilling, Proclamation Money, in any one Year; And the said Commissioners are hereby also empowered and required to employ a proper Person annually to keep the said Fence in repair, and also to dispose and make Sale of the remaining Rails now to be found belonging to the said fence, for the best price that can be got for the same, and to apply the Money to the Common Stock of the said Town; which said Tax shall be collected and paid in the same Manner of the Tax laid on the Inhabitants for clearing the Streets of the said Town.

XIV. And be it further Enacted, by the Authority aforesaid, That if any Person shall wilfully pull down, take away, or by any means Destroy the

Rails of the said Fence, or shall wilfully unhang, leave open, or otherwise injure the gates of the said Town, whereby Horses, or other Creatures, may be let out of the said Town, such Person or Persons, being thereof lawfully convicted, shall forfeit and pay, for the first Offence, Forty Shillings, Proclamation Money, and for the second and every subsequent Offence Three Pounds like Money; to be recovered as herein after directed; And if any Offender shall not be able to pay such fine, or is a Servant or Slave, he, she, or they, shall receive at the Public Whipping Post Thirty Nine Lashes on his, her, or their bare back, well laid on.

XV. And be it further Enacted, by the Authority aforesaid, That no Person, Inhabitant or Freeholder of the said Town, shall keep running at large therein more than one Cow and Calf, and One horse, or six Head of Sheep, for every saved Lot he or she shall be possessed of, on Penalty of Twenty Shillings for every Offence, to be recovered as herein after directed; and that no person whatsoever (except the Inhabitants or Freeholders thereof) shall keep running at large in the said Town any Horses, Cattle, Sheep or Hogs, except their riding Horses, during their stay therein, and Persons bringing Cattle to the Market of the said Town) on Penalty of Twenty Shillings, Proclamation Money, for every Offence to be recovered as herein after directed; and the Commissioners of the said Town shall cause a Pound to be built, wherein shall be impounded all Hogs, Cattle, Horses, or Sheep found running at large in the said Town, contrary to this Act.

XVI. And that the said Town of New Bern may be the better regulated, Be it Enacted, by the Authority aforesaid, That the said Commissioners or the Majority of them, shall have full Power and absolute Authority to pass such necessary Rules and Orders as to them shall seem meet, for removing all nuisances within the Bounds of the said Town, for Persons to remove Dirt, and Rubbish from before their Door, to grub and clear their Lots, and make proper Drains and Water Courses through them; for pulling down all Wooden Chimnies already built in the said Town and preventing the building thereof for the future, in Order to prevent Dangers by Fire, provided that Six Months Notice be given to the Owners of such Chimneys as are already built to pull down the same; and for all other Things that may tend to the Advantage and Improvement of the said Town, so as the same be not repugnant, but as near as may be, agreeable to the Laws of England and this Province.

XVII. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act mentioned, the recovery of which is not otherwise directed, shall be by Warrant, under the Hands and Seals of the Commissioners, or the Majority of them, directed to any sworn Officer of the County of Craven, to convene such Delinquent or Delinquents before them, at a certain Day mentioned in the said Warrant, and on Conviction to give Judgment, and award Execution, for such Officer to levy the said Fine by Distress and Sale of the Offender's Goods and Chattels; which said Fines such Officer shall pay into the Hands of the Treasurer of the said Town, as part of the Common Stock, and shall be applied towards defraying the contingent Charges of the said Town: And the Commissioners of the said Town or the Majority of them, are hereby invested with full Power and authority to lay out and appropriate all Monies which shall be paid to the said Treasurer by virtue of this Act, as they shall think most for the Good of the said Town: And the said Treasurer shall be obliged to account with, and pay to the Proprietor of the said Town, all Monies which he shall receive for the Purchase of Lots in the said Town, and also shall pay all Monies belonging to the said Town to such Person or Persons as the Com-

missioners, or the Majority of them, shall direct, by Warrant under their Hands, to him directed.

XVIII. And that the Number of Commissioners for the said Town may be always kept up, Be it Enacted, That if any of the said Commissioners shall die, or remove out of the Province, or refuse to qualify, the remaining Commissioners shall elect and choose others, in the Room and Stead of those so Dying, removing or refusing to qualify as aforesaid.

XIX. And for the encouragement of the said Town of New Bern, Be it Enacted by the Authority aforesaid, That the Clerk of the Court of Craven County and the Sheriff of the said County, shall keep their respective Offices in the said Town, on Penalty of Five Pounds for every Week they shall neglect the same; to be recovered in any Court of Record in this Province where the same is Cognizable, by any Person that shall sue for the same; And all Elections and other Public Business of the like nature, belonging or appertaining to the County of Craven, shall be done and held in the said Town, and at no other Place whatsoever.

XX. And whereas heretofore little Regard hath been paid to the Orders given by the Commissioners of the said Town of New Bern, Be it Enacted, That the Commissioners of the said Town for the Time being or the Majority of them, shall have full power and Authority to lay such Fine on any Person or Persons that shall refuse or neglect to obey any of the Rules and Orders that shall be passed by the said Commissioners, or the Majority of them, for the better regulating of the said Town, as they shall think fit, not exceeding Twenty Five Shillings, Proclamation Money; and on refusal or Neglect to pay the same immediately, to issue their Warrant, directed to any sworn Officer, to levy the same by Distress and Sale of the Offender's Goods and Chattels, the like Proceedings being first had as before directed for the Commissioners to observe, in the Recovery of Fines imposed by this Act.

XXI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, Clause and Clauses, Article and Articles, thereof heretofore made, for so much thereof as relate to any Matter or Thing within the Purview of this Act, is hereby repealed, made void, and of none effect.

CHAPTER XIII.

An Act for the Regulation of the Town of Wilmington.

I. Whereas the erecting and establishing the Town of Wilmington hath been found highly beneficial and convenient to the Inhabitants of the Southern Parts of this Province, and others carrying on Commerce with them; For the better Regulation and Improvement of the said Town,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Town called Wilmington, lying on the East side of the North East branch of Cape Fear River, shall be bounded and circumscribed in Manner following, That is to say, To the North East by the Lands of the late Governor Gabriel Johnston, Esq., deceased, upwards and below by the Lands formerly belonging to Michael Dyer, running back One Hundred and Twenty Poles from the River, as may more fully appear by the plan of a survey of the said Town, made in the Year of our Lord One Thousand Seven Hundred and Thirty Three, now in the Secretary's Office; which plan shall be for ever hereafter the true and exact Plan of the said Town, by a reference to which all Disputes in Regard to Streets, Squares, Lots, and their Boundaries, are to be determined for the Future.

III. And be it further Enacted, by the Authority aforesaid, That for ever

after the passing of this Act, the Courts of the County of New Hanover, the Election of Representatives to be sent to the General Assembly for the said Town or County, the Election of vestrymen for the Parish of St. James, and all other Public Elections for the said County and Town, shall be made and held in the Town of Wilmington, and at no other Place: any Law, Usage, or Custom to the Contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of New Hanover, the Clerk of the Court for the said County, and the Register of the said County, for the Time being, shall forever hold and keep their respective Offices in the said Town of Wilmington; and that if any of the said Officers shall neglect or refuse so to do, each of them so neglecting or refusing, shall for every Week he shall be a delinquent, forfeit and pay the Sum of Forty Five Shillings, Proclamation Money; to be recovered by any Person who shall sue for the same, in the County Court of New Hanover, by action of Debt, Bill, Plaint or Information; wherein no Essoign, Injunction, Protection, Privilege, or Wager of Law, shall be allowed or admitted of: One half to such Informer, the other half to the Commissioners of the said Town for the time being, to be applied for the use and benefit of the said Town.

V. And whereas by the unskilfulness of former Surveyors, and Neglect of the Proprietors, the Courts of the Streets, and Bounds of the Squares and Lots, were never properly ascertained, by which many Houses are misplaced, some encroaching upon the streets, and others upon the Lots of their Neighbours: For Remedy whereof, Be it Enacted, by the Authority aforesaid, That all such Houses as are now Built, either wholly or in Part, upon the Streets shall be allowed to remain so, until they are no longer tenantable and then the Owner shall be obliged to pull such House or Houses down, and clear the Street or Streets of all the Rubbish; and when they build, to build within his, her, or their Lot or Lots, under the Penalty of Fifty Pounds, Proclamation Money, to be recovered as herein after is directed. And where any Person or Persons has the whole, or any Part of his or their House or Houses, not having a Brick Chimney, or Brick or Stone Cellar, on another Person's Ground, then it shall and may be lawful for the Party injured, to give Notice in Writing to the Owner or Owners of such House or Houses, to remove what part of the Same may be on such Person or Persons Lot or Ground, in Six Months after the Date of such Notice, which he or they shall be obliged to do, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered in the Supreme Court of the District of New Hanover County, by the Party so injured, and to be applied to his proper Use, and to no other Purpose whatsoever.

VI. Provided nevertheless, That in case such House or Houses have one or more Brick or Stone Chimney, or Brick or Stone Cellar, then the Owner or Proprietor of such House or Houses shall not be obliged to remove the same but may be at Liberty, and is hereby allowed to pay a Ground-Rent, for what Part he encroaches upon his Neighbor, where Notice or Warning was not, before the building of such Chimney or Cellar, given of such Encroachment; which rent and all Disputes arising about Encroachments and Damages upon Lots, shall be ascertained and determined by the Commissioners of the Town, or the Majority of them. And that the said Commissioners may be the better enabled to discharge their Trust, they are hereby required, at the Expence of the Town, to get a Copy of the aforesaid Plan of the said Town lodged in the Secretary's Office: And in Case any Disputes should hereafter arise, to lay out the Streets or Lots according thereto, beginning at the South East Corner of Mr. John Morris's house, on Market

Street, near the Court House; from which Corner all future Surveys of the said Town shall be commenced.

VII. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall determine all Complaints of Nuisances, by Lumber or Rubbish lying upon the Streets or Wharfs, Dangers of fire arising from Wooden Chimneys or any such hazardous Buildings, and pass such Orders as they shall think necessary for the Removal of the same.

VIII. And whereas the Inhabitants have been at a great Expence in building a Public Wharf, where Boats may come to and discharge: Be it further Enacted by the Authority aforesaid, That no Vessel or Vessels shall lie at the said Wharf, or at any Public Wharf to be built for the Future, without License first obtained from the Commissioners; and if any Person or Persons shall incumber any of the said Wharfs with Naval Stores, Lumber, or any other Thing whatever, such Person or Persons shall be obliged to remove such Incumbrances within Twenty Four Hours after Notice thereof given by the Commissioners or the Majority of them, under the Penalty of Forty Shillings, Proclamation Money: to be recovered by a Warrant from the Commissioners of the said Town.

IX. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town for the Time being, or the Majority of them, are hereby impowered to pass such Orders as they may judge proper for the Bringing to Justice, or prosecute those who shall deal or traffick with Negroes, without proper Tickets from their Masters, Mistresses, or Overseers; and for preventing all Mobs or Cabals of Negroes, or others; for the more effectually bringing to Justice all Criminals and Offenders against the Laws of this Province; and also for preserving the Peace and Safety of the said Town; to appoint proper Guards or Watches in the said Town, as often as Occasion may require; to be ready on all Occasions of Riot and Disturbance, or to prevent Malefactors breaking the Prison or Gaol. Provided that one of the Commissioners be of the Number of the said Watch, to give necessary Orders.

X. And whereas the allowing of Hogs to run at large in the said Town is found to be a great Nuisance to the Inhabitants; Be it Enacted, by the Authority aforesaid, That none of the Inhabitants of the said Town shall, on any Pretence whatsoever, suffer any of their Hogs to run at large within the Bounds of the said Town; and any Hog or Hogs, running at large, shall be forfeited to any Person who shall seize or kill the same.

XI. And be it further enacted, by the authority aforesaid, That the Commissioners, or the majority of them, are hereby directed to issue their warrants, at least twice in every year, to the Constables of the said Town, to warn all male taxables to clear, repair and pave the streets, lanes, or alleys; to make or mend the Public Wharfs, Docks or Slips; make water-courses within the streets, that there may remain no standing water, and also to appoint overseers; And any person so neglecting or refusing to work as directed in the warrant or to furnish a good and sufficient hand in his or their place, with proper tools, shall forfeit and pay two shillings and eight pence, Proclamation Money, per Day, for every day he shall so refuse or neglect; And if any person so appointed overseer, shall refuse or neglect to serve as such, he or they shall forfeit and pay twenty shillings, Proclamation Money, per Day, for every day he shall so refuse or neglect; to be recovered in the same manner as the fines and forfeitures are to be recovered by the Commissioners of the Roads; and the money so recovered, shall be

applied towards hiring Labourers to clear, repair, and pave the streets, or any other public work in the said town.

XII. Provided always, That no person exempted by law from working on Public Roads, shall be compelled to work on the said Streets, Lanes, Alleys, Wharfs, Docks or Slips, upon any pretence whatsoever, nor shall any person be compelled to work above twelve days in the year.

XIII. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town shall be, and they are hereby exempt, and for ever hereafter excused from working on the Country Public Roads, during such Time as they live in the said Town, and no longer.

XIV. And as there are many lots in the said Town not yet cleared, nor proper Drains nor Runs made through them to let the Waters have a free Course to the manifest Injury and Unhealthiness of the Inhabitants of the said Town; Be it further Enacted by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, shall, and they are hereby directed to order the Proprietor or Proprietors of any Lot or Lots, to clear all or any Part of them, and to make proper Drains or Water Courses through them, within six Months from the Time of the Date of such Order, in Writing signed by the Commissioners of the said Town for the Time being, or the Majority of them; and any Person neglecting or Refusing, shall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every Month they shall refuse or neglect to obey such Order: to be recovered by a Warrant, under the Hands of the Commissioners, or the Majority of them, directed to one of the Constables of the said Town, on the Effects of such Delinquent or Delinquents.

XV. And whereas the Damages that may arise from Fire in the said Town may be very great, and a Necessity appear for providing one or more Water Engines: Be it Enacted, by the Authority aforesaid, That the Commissioners, or the majority of them shall within two Years after the passing of this Act, value every House within the Bounds of the said Town, and lay a Tax not exceeding Two per Cent. on such Value, upon every Owner or Owners of such House or Houses; which Monies so laid, shall by order of the said Commissioners, or the Majority of them, be collected, and applied towards purchasing Water Engines, Buckets, Ladders, and other Instruments for the extinguishing of Fire: and if any person shall neglect or refuse to pay such Tax the same shall be levied by a Warrant under the Hands of the Commissioners, or the Majority of them, directed to one of the Constables of the said Town, on the Effects of such Delinquent or Delinquents.

XVI. And be it further Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, shall and are hereby impowered, to pass any Orders they may judge proper, for preventing the building of necessary Houses on any Stream of Water running through the said Town, or having Drains from such Houses into any of the said Streams: to remove such houses already built; for preventing of Cattle being kept up in a pen above Three Days, without being sufficiently fed and watered; for preventing Mortar, Clay, or Wooden Chimneys, being built, and for pulling down such as are already built; for making the People keep their Chimnies clean, and raising them to a proper Heighth, not under four feet above the Ridges of the Roof; for preventing the keeping Naval Stores or Lumber in any Houses whereby Damages may arise to Neighbours; for obliging all Persons to clear the Streets before their Houses; and for all other Things for the Good and Safety of the said Town, and the proper Government of it, consistent with the Laws of this Province; and to enforce

such Orders, by laying a Fine, not exceeding Forty Shillings, Proclamation Money, on all Persons neglecting or refusing to comply therewith.

XVII. And be it further Enacted, by the Authority aforesaid, That the Commissioners for the time being shall hire a Town Clerk, and shall keep a Town Book; in which shall be entered all the Orders they may make, the Defaulters on the streets, and the Accounts of the Monies they may have received, the manner they have applied such Monies, and what Sums may remain in their Hands, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by any person who shall or may sue for the same, in the Supreme Court of the aforesaid District; wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

XVIII. And be it further Enacted, by the Authority aforesaid, That the Commissioners on going out of Office, shall pay into the Hands of their Successors such Sum or Sums of Money as they have in their Hands; and in case they should neglect or refuse so to do, they shall forfeit and pay Fifty Pounds, Proclamation Money; to be recovered by such succeeding Commissioners, by Action of Debt, in the Supreme Court of the aforesaid District; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

XIX. And whereas often Times during Divine Service there are great Disturbances in the Streets, or near the Place where the same is performed; Be it Enacted by the Authority aforesaid, That the Constables in the said Town, each in their Turn, shall be obliged to walk the Streets during the Time of Divine Service, to prevent all such Disturbances, and to apprehend all Delinquents, who shall be punished as Breakers of the Sabbath.

XX. And whereas it may be necessary to lay a tax, annually, on all the male taxables in the said town, towards defraying the necessary charges that may accrue; Be it enacted, by the authority aforesaid, That the Commissioners or the majority of them for the time being, are hereby impowered, within twenty days after their being elected, by virtue of this act, to lay such tax as may be thought necessary, provided the same does not exceed two shillings Proclamation Money, per Head; such Tax to be collected by Warrant under the hands and seals of the Commissioners, or the majority of them, directed to the Constables of the said Town, or either of them returnable in such time as shall be therein mentioned.

XXI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, are hereby impowered to lay such fines on all who refuse or neglect to obey any of their lawful Orders, after being made public, as they may judge Necessary, not exceeding Two Pounds, Proclamation Money, for each default; to be levied by Warrant under the Hands and Seals of the said Commissioners, or the Majority of them, directed to either of the Constables of the said Town, who are hereby obliged to execute the same; which fines recovered as aforesaid, shall be applied to the Public Fund or Stock of the said Town.

XXII. Provided always, That it shall and may be lawful for any Person or Persons, who shall think himself or themselves injured by such Fine, to appeal to the Justices of the County Court, who are hereby impowered to determine the same in a summary Way.

XXIII. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures, the Method of Recovery of which is not otherwise directed by this Act, shall be recovered with Costs, in any Court of Record in the County of New Hanover, Respect being had to their Jurisdiction, by the Commissioners for the Time being, or the Majority of them, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Injunction, or

Wager of Law, shall be allowed or admitted of. And all fines and Forfeitures mentioned in this Act, not exceeding Two Pounds, Proclamation Money, shall be recovered by a Warrant under the Hands and Seals of the Commissioners, or the Majority of them, directed to the Constables of the Town, or either of them, against Body or Goods, as in Actions of Debt, and in all things subject to the same Rules; all which Fines or Forfeitures, recovered in any of the before-mentioned Ways, shall be applied and paid into the Stock of the said Town.

XXIV. And be it further Enacted, by the Authority aforesaid, That the Commissioners and the Inhabitants shall have free Liberty to hold all their Public Meetings, on all Occasions, in the Court House, and have the Liberty of a Key to the same.

XXV. And for the better ascertaining the Method of choosing such Commissioners, and the Qualifications necessary for such Commissioners; Be it Enacted, by the Authority aforesaid, That any Person who on the Day of Election, and for Three Months next before, was seized in Fee-simple, or for Term of Life, of a Brick, Stone, or framed House, with one or more Brick or Stone Chimnies, of the Dimensions of Twenty Feet long and Sixteen Feet wide, within the Bounds of the said Town, shall have a Right to vote for such Commissioners, and be sufficiently qualified to be Commissioners for the said Town; and that the Number of Five, such as are qualified as aforesaid, shall annually, on the First Tuesday in January, be chosen Commissioners for the said Town; and Two Persons shall be chosen by the Majority of the Freeholders present as Inspectors of the Poll, and attend and declare who are duly elected Commissioners by Virtue of this Act; and upon the said Five Commissioners being elected, and their Names properly entered in the Town Book, they shall, before they enter upon their Office, take the following Oath, before any Justice of the Peace for the County of New Hanover; that is to say: I, A. B., do swear, That I will execute the Office of a Commissioner, for the Town of Wilmington, faithfully and truly, without Favor or Prejudice; and in all Things, act for the Good of the said Town, and the well governing thereof, to the best of my skill and judgment, according to law. So help me God.

XXVI. And be it further Enacted, by the Authority aforesaid, That in Case of Refusal, Removal, or Death, of any of the Commissioners, either before or after their being qualified as aforesaid, the other Commissioners, or the Majority of them, shall choose another in the Room of him or them so dying, refusing, or removing as aforesaid, who shall be qualified in Manner as before directed.

XXVII. And be it further Enacted, by the Authority aforesaid, That Cornelius Harnett, Frederick Gregg, Daniel Dunbibben, Arthur Mabson, and Thomas Finney, are hereby appointed Commissioners of the said Town, and shall be and continue in Office until the First Tuesday in January next; and they, or a Majority of them, shall have the same Power and Authority as the Commissioners to be chosen by this Act shall or may have, and be subject to the same Penalties.

XXVIII. And be it further Enacted, by the Authority aforesaid, That if at any Time any Tavern Keeper, Ordinary Keeper, Retailer of Liquors, or Keepers of Public Houses in the said Town, shall suffer any Person or Persons whatsoever to sit tippling or drinking in his or her House in time of Divine Service, on the Sabbath Day, or shall suffer any Person or Persons to get drunk in his or her House on the Sabbath Day, such Person or Persons so offending, shall forfeit and pay Twenty Shillings, Proclamation Money, for every such Offence; to be recovered by a Warrant under the Hand and Seal

of any Justice of the Peace for the County of New Hanover, and be paid into the Public Stock of the said Town.

XXIX. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever in the said Town shall, on any Pretence whatever, give any Credit, Loan, or Trust, to any Mariner or Seamen belonging to, or under the Command of any Master of a Vessel that now is, or shall at any Time hereafter be lying in the River of Cape Fear, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Master or Commander of the Vessel he belongs to, or where such Sailor or Mariner shall have left the vessel, to apply to either of the Courts of Justice, in any Disputes or Controversies with the Captain or Commander of such Vessel; that then, and in such Case, he, she, or they, shall for every such Default, lose all the Monies or Goods so trusted or credited.

XXX. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever in the said Town, shall willingly or willfully entertain, harbour, or Keep, or suffer to be entertained, harboured, or kept, directly or indirectly, any Seaman belonging to any Vessel as aforesaid, in his, her, or their House or Houses, exceeding the Space of Six Hours, without the Privy or Consent of his Commander (except in the Case before excepted) he, she, or they, so offending, shall forfeit the Sum of Twenty Five Shillings, Proclamation Money, for every such Offence; to be recovered by Warrant under the Hand and Seal of any Justice of the Peace for the County of New Hanover, and paid into the Public Stock Fund of the said Town.

CHAPTER XIV.

An Act for establishing the Titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town, and for the further Improvement and better regulation thereof.

I. Whereas pursuant to several Acts of Assembly of this Province heretofore passed, Four Hundred and Twenty Acres of Land, lying in the Fork of Queen Anne's Creek, in Chowan County, bounded Eastward by the Lands of Miles Gale, Northward by the Lands of William Badham and George Lisles, on the Westward by the Beaver Dam and Creek, and on the Southward by the Sound, was purchased by the Public, and laid out for a Town, called Edenton; and Part thereof divided into Lots of Half Acres, as will more fully appear by the Plan thereof already drawn, with convenient Streets and Passages, a Place for a Church, Governor's House, Court House, Burying Place, Market Place, Council Room and other Purposes; and by the said Acts, vested in Fee, in Commissioners or Trustees, to dispose thereof according to the Direction of the said several Acts; and the Commissioners or Trustees of the said Town have conveyed Lots, or Half Acres of Land, to several Persons, who have built thereon; and whereas several of the said Acts have been since repealed or expired, whereby many Mischiefs may arise, and the Improvement of the said Town much retarded and the Titles to Lots in the same drawn into Dispute; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Commissioners or Trustees heretofore appointed are hereby declared to have had a good, absolute, and indefeasible Estate, in Fee, in the said Four Hundred and Twenty Acres of Land, in Trust and Confidence, to and for the Uses by the said several Acts intended; and Thomas Barker, John Craven, Joseph Blount, Charles Blount, and James

Luten, Gentlemen, the present Commissioners, are hereby declared to have a good, absolute, and indefeasible Estate, in Fee, in all such Lots in the said Town as have not already been disposed of, by former Commissioners or Trustees, or have lapsed for want of complying with the Conditions of the Deeds for which the same have been granted; and the said Commissioners shall hold the same in Trust, and to the Uses hereinafter mentioned, and for no other Use or Purpose whatsoever; and the said Lots are hereby confirmed to them, and their Successors, for such Uses; any Law, Statute, or Usage, to the contrary, and the Repealing, Expiring, or Suspension of any Law, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That the said Thomas Barker, the present Treasurer of the said Town, and his Successors in Office, shall receive all Monies arising by virtue of this Act, to be applied as hereinafter is directed; and on his Death or Removal out of the County of Chowan, the next eldest Commissioner shall succeed him in the said Office, first giving Security to the Justices of Chowan County, in the Sum of One Hundred Pounds, for the just Performance of the said Trust; and at all Times hereafter, in Case of the Death, or Removal out of this Province, of either or any of the Commissioners of the aforesaid Town of Edenton, it shall and may be Lawful for the Survivors, or a Majority of them, to elect and choose, out of the Freeholders of the said Town, another Commissioner, or other Commissioners, in the Room and Stead of him or them so dying or removing.

IV. And be it further Enacted, by the Authority aforesaid, That all Deeds heretofore made by the Commissioners for any Lots of Land in the said Town, the Condition of which have been fulfilled and complied with, shall, and are hereby declared to be good and valid in Law, and shall convey the Fee-Simple thereof to the Grantees, their Heirs and Assigns, forever.

V. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town, or any Three of them, shall, and are hereby impowered and required on Application, to grant and convey, in Fee-Simple, any of the Lots of the said Town, containing each Half an Acre, or thereabout, not before granted, or which have lapsed, or shall lapse, by the Grantees or those who hold or claim under them, not having complied with the Conditions of the Deeds by which the same were or shall be granted, for which the Grantees shall pay Ten Shillings, Proclamation Money, for each Lot if not a Water Lot, and Five Shillings for each Water Lot; and all Deeds made for conveying such Lots in the said Town as are not Water Lots, shall be on Conditions, That if the Grantees, their Heirs or Assigns, shall not within Two Years from the Date of each respective Deed, erect and build for each Lot thereby granted, a good substantial Brick, Stone, or framed habitable House not of less dimensions than Twenty Feet long, Fifteen Feet wide, and Eight Feet high between the first Floor and the Joists, or make such other Improvements as by the Majority of the Commissioners shall be deemed Equivalent, such Deed shall be void; and all Deeds to be made for conveying Water Lots shall be on Condition, That if the Grantees, their Heirs and Assigns shall not, within Two years from the Date of each respective Deed, secure the Front Street Fifty Feet from the Water's Encroachment, or build a Wharf to the Edge of the Channel, such Deed shall be Void.

VI. And be it further Enacted, by the Authority aforesaid, That in all Cases where Deeds have been, or hereafter shall be made by the Commissioners of the said Town, or a Majority of them, for any Lot or Lots, and the Grantees, or those who hold under them, have not, or shall not comply with,

and fulfil the Conditions of the same, the Commissioners may, and are hereby impowered, to grant such Lot or Lots to any Person or Persons applying for the same, in such Manner as they might or could, if such Lot or Lots had never been before granted.

VII. And be it further Enacted, by the Authority aforesaid, That such Persons as are Owners of Lots in the said Town facing or fronting any Water Lots, shall have the Preference in taking up such Water Lots, and no others shall be admitted to have Deeds from the Commissioners for the same, until after Six Months Notice given to the Owners of such Lots so facing or fronting the Water Lots as aforesaid, and their neglecting in that Time to apply for Deeds for them.

VIII. And whereas his Excellency the Governor, and the other Public Officers of Government, do not at present reside or keep their Offices in Edenton, whereby Eight Acres of Land, or there about, in the said Town, heretofore appropriated to the Use of the Governor, or Commander in Chief for the Time being, are not applied to any Use or Purpose whatsoever, but would greatly contribute to the better Settlement of the Town, were the Commissioners invested with Power to dispose of the same; and of late Years the Lands in some Parts of the said Town, adjacent to the Water has increased, but not being within the Plan thereof cannot be disposed of to such as are desirous to purchase the same; Be it therefore Enacted, by the Authority aforesaid, That from and after the passing of this Act it shall and may be Lawful for the Commissioners of Edenton, or a Majority of them, to cause the said Eight Acres of Land, more or less, heretofore appropriated as aforesaid, to be laid out in such Lots as they shall think most convenient, and cause a Plan thereof to be made and therein insert Marks and Numbers to the Lots in the same contained; which Lots so laid out, shall be by the Commissioners, or a Majority of them, on the Third Day of the next Supreme Court to be held at Edenton, sold in separate Lots, at Public Auction; and the said Commissioners shall make and execute Deeds for the granting and conveying the same to the Purchaser or Purchasers, and to his or their heirs or Assigns, forever, without any Condition or Reservation whatsoever; and the Money arising by such Sale shall be applied as herein directed, and the Deeds which shall be so executed shall, and are hereby declared to be good and valid in Law, and shall effectually convey the Fee-Simple of the Lots in the same mentioned to the Grantees, their Heirs and Assigns, forever; any Law or Statute, to the Contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them, shall, and they are hereby directed, to cause such Land adjacent to the Water as has increased, and is not contained within the present Plan of the said Town, to be laid out in such Lots as they shall think most suitable and convenient, and cause a Plan of such Lots to be made, with Marks and Numbers to the same inserted, and shall on Application, by Deeds of Conveyance, grant and convey the same in such Manner, and under the like Conditions, as is hereinbefore directed in the granting of such vacant Lots as are contained in the present Plan of the said Town, and have not been heretofore appropriated to the Use of the Governor or Commander in Chief, as is before recited; and all Deeds which shall be executed for the same, shall, and are hereby declared to be good and valid in Law, and shall effectually convey the Fee-Simple thereof to the Grantees, their Heirs and Assigns, forever, on complying with and fulfilling the Conditions to be expressed in the same Deeds; and all Lots to be granted by Virtue of this Act shall be deemed and reputed to be within the Bounds of the said Town, and the Owners thereof shall at all Times be subject to

the same Duties, Taxations, and Impositions, and intituled to the same Rights and Privileges, as the Owners of Lots already granted.

X. And to prevent Disputes in respect to Grantees of any Lots, or those who claim under such Grantees, having complied with the Conditions in the Deeds by which the same have been, or shall be granted; Be it Enacted by the Authority aforesaid, That in all Cases where a Certificate shall be had from the Commissioners, or a Majority of them, or Oath shall be made in the County Court of Chowan, by one credible Witness, that any Lot or Lots hath or have been saved according to the Conditions of the Deed or Deeds by which the same is, are or shall be granted, such Certificate, or a Copy of the Record of such Oath, shall in all Courts of Law or Equity, be deemed and held to be legal Evidence, that the Conditions of such Deed or Deeds have been fulfilled and complied with.

XI. And be it further Enacted, by the Authority aforesaid, That the Several Parts within the present Plan of the said Town, laid out for Streets, Passages, the Church, Council Room, Burying Place, Market Place, Court House, Prison, and Common, be reserved for those Uses and no other.

XII. And be it further Enacted, by the Authority aforesaid, That the Commissioners or a Majority of them may, and they are hereby impowered, annually on the Second Tuesday in January, to lay a Tax on each Male Taxable in the said Town, not exceeding One Shilling and Six Pence, Proclamation Money, to be applied towards the Expence of building and repairing Public Wharfs, a Market House, or to defray other Public Charges in the said Town; which Tax shall be collected by such Person as they shall appoint, who shall demand the same; and in Case of Refusal or Neglect after such Demand, levy the same by distress and Sale of the Goods of the Person or Persons so refusing or Neglecting, and shall account for the same to the Commissioners, on Oath.

XIII. And be it further Enacted, by the Authority aforesaid, That each and every Person or Persons possessed, or who shall be hereafter possessed of any Lot or Lots in the said Town, not yet cleared, shall, within the space of Six Months after the passing of this Act, where they are at present in Possession, and within Six Months after the Date of their Deeds, for any Lots hereafter to be granted, cut down all Brush thereon growing, and once in each year do the same, under the Penalty of Five Shillings, Proclamation Money, for each Neglect; to be recovered and applied as is hereinafter directed.

XIV. And to prevent Annoyances and Nuisances, Be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall throw out, or lay in any Public Street, or upon any Public Place in the said Town, any Dirt, Rubbish, Dust or Mortar, except such as are building or repairing Houses, every Person so offending, shall forfeit to the Commissioners of the said Town, for every Offence, Ten Shillings, Proclamation Money, to be recovered and applied as is hereinafter directed; and if any such Offence is committed by any Servant or Slave, such Servant or Slave shall be punished by whipping, not exceeding Thirty Lashes, by Direction of Two Justices of the Peace, provided the Master or Mistress refuses to pay the said Fine.

XV. And be it further Enacted, by the Authority aforesaid, That as often as the Overseer of the Roads or Streets in the said Town shall summon the Male Taxables thereof to clear the said Roads, Streets and Public Places, of all Woods, Weeds, Rubbish, or other Nuisances, or to repair or to mend the Streets or Bridges in the same, any Person refusing to observe the Overseer's Directions, except such as by Law are exempted from working on

Public Roads in any County, he shall forfeit and pay for every Offence, the Sum of Ten Shillings, Proclamation Money, to be recovered and applied as is hereinafter directed.

XVI. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town shall within Six Months after the passing of this Act, lay out, or cause to be laid out, the Streets and Passages of the same and cause good Posts to be set up to ascertain the Bounds thereof.

XVII. And be it further Enacted by the Authority aforesaid, That the Commissioners of the said Town, or a Majority of them, may, and are hereby impowered, within One Year after the passing of this Act, to lay a Tax on each and every Person holding any Lot or Lots in the same, according to the Number of his or her Lots, not exceeding Five Shillings for each Lot, to be applied towards fencing or ditching in the said Town; and in Case any Person shall neglect or refuse to pay the same, he or she shall pay Two Shillings and Six Pence, over and above the said Tax, for each Lot he or she shall hold, to be recovered and applied as hereinafter directed.

XVIII. And be it further Enacted, by the Authority aforesaid, That if any Person, after the said Town shall be fenced or ditched in, shall voluntarily pull down, or destroy any Part of the Town, Fence, or Ditch, such Person shall forfeit and pay for every Offence Ten Pounds, Proclamation Money, to be recovered and applied as is hereinafter directed; and from and after that Time, it shall and may be lawful for any Person to take up and pound any Hogs, Shoats or Pigs, which shall be found ranging at large in the said Town so long as the Fence or Ditch shall be kept in good Repair; and the Hogs, Pigs, or Shoats, so taken up, shall be sold at Auction, and the Money arising thereby given by the Commissioners to the Poor of the Town.

XIX. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act mentioned, not exceeding Twenty Shillings, Proclamation Money, shall be recovered by a Warrant under the Hands and Seals of the Commissioners of the said Town, or a Majority of them; and all Fines and Forfeitures above Twenty Shillings, shall be recovered in any Court of Record, by Action of Debt, with Costs, by the said Commissioners.

XX. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures by this Act imposed, and not otherwise appropriated, and all Monies which shall arise by the Sale of any Lots to be granted by the Commissioners of the said Town, as is hereinbefore directed, shall, and are hereby directed, after their reasonable Charges and Expences are deducted to be applied towards building and keeping in Repair a Market House and Public Wharfs, and towards buying one or more Water Engines, Buckets, Ladders, and other Instruments, to be under the Care of the said Commissioners, for the Safety and Preservation of the said Town, in Case of Accidents of Fire, and to such other Uses as the said Commissioners shall think most for the Encouragement and Advancement thereof.

XXI. And whereas the Church in the said Town, partly built by the Charitable Donations of religious and well disposed Christians, for want of Money in the hands of the Commissioners, remains unfinished, and the present Vestry of St. Paul's Parish have neglected to lay a Tax for the finishing thereof; wherefore that the pious Intentions of the Donors may not be frustrated, in an undertaking so well intended for the Encouragement of Religion, Be it Enacted by the Authority aforesaid, That an Annual Tax of Two Shillings, Proclamation Money, shall be and is hereby laid on each taxable Person in the Parish of St. Paul in the County of Chowan, for Two Years next Ensueing, and shall be collected by the Sheriff in the same Manner that Public Taxes are collected, and shall be accounted for and paid by him to

the Commissioners of the said Church, who shall, and are directed and required to apply the same towards finishing the said Church in a decent and workman-like Manner, and to call all former Commissioners, their Heirs, Executors, or Administrators, and others who have in their Hands any Money heretofore appropriated to that Use to Account; and on their failing to account and pay the same, on Motion to the Supreme Court at Edenton to obtain Judgment, and take out Execution against them for so much as there shall appear to be due from them, giving Ten Days previous Notice of such Motion to the Party against whom the same shall be made.

XXII. And be it further Enacted, by the Authority aforesaid, That the Commissioners appointed for finishing the said Church shall, once in Two Years, account to the Justices of Chowan County Court for all Money by the said Commissioners already received, or hereafter to be received, either on account of the donations made, or Taxes laid for building and finishing the same and for whatever Disbursements they have heretofore made, or shall hereafter make; and in Case of their failing to account as aforesaid, the said Justices shall and may maintain an Action against them for the Money they shall have received, and recover the same with Costs; and the Monies so recovered, shall be applied towards finishing the said Church, as is before directed.

CHAPTER XV.

An Act to limit the Time for holding County Courts, and other Purposes.
(Omitted.)

CHAPTER XVI.

An Act to amend and continue an Act intituled, An Act for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province, for the purposes therein mentioned

I. Whereas, by an Act intituled an Act for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province, for the purposes therein mentioned the Method for ascertaining the Tonnage of Vessels is very deficient, and occasions Disputes between the receivers of the Duty and Masters of Vessels, and that it is necessary that Part of the Duty imposed by the said Act, be appropriated.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every receiver of the Duty upon the Tonnage of Ships or Vessels may be the better enabled to know the true Tonnage of every Ship or Vessel coming into the Ports of this Province, shall, and hath hereby full Power to cause every Master of such Ship or Vessel to come before him, and on Oath declare, to the best of his knowledge, the Length of the Keel, the Breadth by the Beam, and Depth of the Hold, which in Double Decked Ships or Vessels, shall be from the upper Deck to the Bottom of the Hold of his Ship or Vessel, whereby her Burthen may be truly calculated.

III. Provided nevertheless, That if any Master of a Vessel who shall not have Powder and Lead at the Time of clearing out at the Custom House, and shall make Oath, that he has not had it in his Power, in the Part from whence he came, or since he arrived in this Province, to procure Powder and Lead wherewith to pay the same; or that when he came from the last Port, he did not know that such a Duty was payable by Law in this Province; in

which case the Powder receiver of the Port shall, and is hereby impowered to administer the said Oath, and in lieu of Powder and Lead, to take and receive of such Master, after the Rate of Two Shillings per Ton, in Proclamation Money: any Thing in this Act contained to the contrary notwithstanding; which Money so received, shall, by the Receiver, be laid out for Powder and lead to the best Advantage.

IV. And be it further Enacted, by the Authority aforesaid, That the Receivers of the Duty imposed in Virtue of the before recited Act, shall be allowed Two and a Half Per Cent. for the Storage of all such Powder and Lead, as they shall receive for the Duty imposed on Vessels coming into this Province, and shall also be allowed for all such Casks, as they shall be obliged to provide for the safe keeping of the said Powder and lead so received.

V. And be it further Enacted by the Authority aforesaid, That the aforesaid Act, from and after the Time therein appointed for the Expiration thereof, and every Clause thereof, except such as are hereby altered, shall continue and be in Force, for and during the Term or Space of Three Years and from thence to the end of the next Session of Assembly, and that this Act from the passing thereof, shall continue and be in Force for the same Space and Term.

CHAPTER XVII.

An Act for erecting a new Court House, Prison, Pillory, and Stocks in Pasquotank County, and other Purposes.

I. Whereas by Experience it is found that the Situation of the Court House in Pasquotank County is not central, and by Reason of a wide Ferry, often impassable, very inconvenient to the greatest Part of the Inhabitants: which, together with the ruinous Condition of the Court House, and the want of a Prison, lays the Inhabitants under great Hardships to continue the Court House at the Place where it now stands: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Court of the County of Pasquotank shall have full power and Authority, and are hereby required, within Eighteen Months after the passing of this Act to erect a Court House, Prison, Pillory, and Stocks, for the use of the County, and to agree with workmen to build and finish the same, at Relf's Ferry, on the Land of Thomas Relf, in the said County.

III. And be it further Enacted, by the Authority aforesaid, that so soon as the said Court House, Prison, Pillory, and Stocks, shall be erected and finished, the Justices of the said County shall, and are hereby directed and required, to adjourn the said Court, by their Order, from the Place where the same is now held at Broomfield, to the Court House so to be erected and built on the land of the said Thomas Relf, by Virtue of this Act: and all Suits, Actions, Pleas, and other Matters and Things, before the said Court then depending and Undetermined, shall stand adjourned and continued accordingly: and all and every Person and Persons having Day in the said Court, and all Witnesses, shall be bound and Obligated to appear at the same, according to such Adjournment.

IV. And be it further Enacted, by the Authority aforesaid, That the said Court shall, and are hereby required, to lay and levy a Tax on the taxable Persons in their County, sufficient to satisfy and pay the Contract that the

said Court shall make and enter into for erecting the said buildings: which Tax shall be collected by the Sheriff of the said County, and by him accounted for as other Taxes are, for which he shall be allowed Five per Cent. for his Commissions.

V. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, Clause or Article, heretofore made for anything within the Purview of this Act, is and are hereby repealed and made void

CHAPTER XVIII.

An Act to impower the Sheriff of Granville, and the Collector of the Taxes of St. John's Parish, to collect Public, County, and Parish Levies.

(Printed in Private Acts, *post.*)

CHAPTER XIX.

An Act for adjourning the County Court of Beaufort, and other Purposes.

(Printed in Private Acts, *post.*)

Rep.

CHAPTER XX.

An Act for dividing the Parish of St. Patrick, in the County of Johnston, into two distinct Parishes.

I. Whereas the Parish of St. Patrick, in the County of Johnston, is so extensive, that renders it almost impracticable for any Minister to serve the Cure thereof:

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That from and after the passing of this Act the said Parish of St. Patrick shall be divided as follows, to-wit, Beginning at Boykin's Ford, on Great Contentney Creek, and running a direct Line to the Mouth of Mill Creek, on Neuse River, and from thence a straight Line to the Head of Coheery, near Anthony Cock's: and that all that part of the said Parish of St. Patrick, as it now stands entire and undivided, which lies to the Eastward of the aforesaid Bounds, shall retain the Name of St. Patrick, and be one distinct Parish: And that all that part of the said Parish which lies to the Westward of the said Bounds, shall be one other distinct Parish, and be called by the Name of St. Stephen, and be exempt from all Dependencies, Offices, Charges, and Contributions, for or in respect of the said Parish of St. Patrick and all other Parochial Duties whatsoever relating to the same: and shall and may, from Time to Time, have, hold and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges, as other Parishes in this Province.

III. And be it further Enacted, by the Authority aforesaid, That the Vestry of the aforesaid Parish of St. Patrick, as it now is undivided and entire, shall from henceforth be, and is hereby dissolved and made void to all intents and Purposes.

Provided nevertheless, That all Acts of the said Vestry heretofore legally made and done, are hereby declared to be as good and valid, as if this Act had never been made.

IV. And be it further Enacted, by the Authority aforesaid, That the Freeholders of the said Parish of St. Patrick, as the same shall stand divided from

the aforesaid Parish of St. Stephen, shall, and are hereby impowered and required, to meet at the Court House of the said County of Johnston, on the third Tuesday in November next, then and there to choose and elect Twelve Freeholders of the said Parish, to serve as Vestrymen of the same. And the Freeholders of the said Parish of St. Stephen shall, and they are hereby impowered and required, to meet at the House of Mr. Samuel Smith, on Neuse River, in the said Parish, on the fourth Tuesday in November next, then and there to elect and choose Twelve Freeholders of the said Parish, to serve as Vestrymen of the said Parish: Which Elections shall be made by the Sheriff of the said County of Johnston, under the like Rules and Restrictions, Pains and Penalties, as well in respect to the said Sheriff, as the Freeholders of the said Parishes, as other elections of Vestries in this Province are by Law appointed to be made. And the said Freeholders so elected for the said Parishes respectively, within forty days after being elected, shall, before a Magistrate of the said County of Johnston, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and subscribe the Declaration directed to be made by the Act of Assembly, intituled, An Act for appointing Parishes and Vestries for the Encouragement of an Orthodox Clergy, for the Advancement of the Protestant Religion, and for the Direction of the Settlement of Parish Accounts, and also repeat and subscribe the Test: and shall be, and are hereby declared, from thenceforth, to be the Vestries of the said Parishes respectively, until the usual time of electing Vestries in other Parishes; and shall and may, and are hereby required, to exercise and use the same Powers and Authorities, as other Vestries in this Province may, can, or ought to exercise; and shall be liable to the same Penalties and Forfeitures as other Vestries, or Persons elected Vestrymen, are in any Manner subject to. And the Vestrymen of the said Parishes respectively, or the Majority of them, when Qualified as aforesaid, shall choose Church Wardens for the said Parishes, who shall continue in Office until the usual Time of electing Church Wardens in the ensuing Year, at which Time the said Vestries shall again choose Church Wardens.

V. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article therein, heretofore made, as far as relates to any Matter or Thing within the Purview of this Act, is and are hereby from henceforth repealed and made void.

CHAPTER XXI.

An Act for laying a Tax on the Inhabitants of the Parishes of St. Patrick and St. Stephen.

(Printed in Private Acts, *post.*)

CHAPTER XXII.

An Act to re-establish the Counties of Rowan, Cumberland, and Orange.

I. Whereas an Act for erecting the Upper Part of Anson County into a County and Parish, by the Name of Rowan County, and St. Luke's Parish, and for appointing a Place for holding a Court in the said County; an Act intituled, An Act for erecting the upper Part of Bladen County into a County and Parish, by the Name of Cumberland County, and St. David's Parish; and an Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish

of St. Matthew, and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned, have been repealed by an Act intitled, An Act for re-establishing several Counties and Towns, and for other Purposes: And whereas his Majesty has been graciously pleased, by his Royal instructions to authorize his Excellency the Governor to give His Assent to an Act to re-establish the Counties aforesaid.

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the several Divisions of Districts of this Province which have heretofore belonged to the respective Counties aforesaid, before the Repeal of the before recited Acts of Assembly, shall, and are hereby declared to be re-established into Counties, by the respective Names by which each County or District, at the Time of the Repealing the aforesaid Acts, was known and denominated; and each of the said Counties shall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

III. And be it further Enacted, That all Deeds and Conveyances for the Conveying of any Lands, Lots, or Tenements, in either of the said Counties, to any Person or Persons whatsoever, either to the Use of the Public or to their own Use in Consequence of the said Acts of Assembly so repealed as aforesaid, shall and are hereby declared to be good and Valid in Law, and shall enure and take Effect as fully, to the Benefit of the Grantees, their Heirs and Assigns, and all other Persons concerned, as if the same had never been repealed.

IV. Provided always, That nothing herein contained shall be construed, deemed or taken, to alter or derogate from the Rights and Royal Prerogative of his Majesty, his Heirs or Successors, of granting Letters of Incorporation to the said Counties, and of ordering, appointing, and directing the election of a Member or Members to represent them in Assembly, and of granting Markets and Fairs to be kept and held in them respectively: but that the said Right and Prerogative shall and may at all times hereafter, be exercised therein by his said Majesty, his Heirs or Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

CHAPTER XXIII.

An Act for consolidating the Parishes of St. John and St. Peter, in the County of Pasquotank.

I. Whereas the Parishes of St. John and St. Peter, in the County of Pasquotank, by reason of the small Number of Taxables in them, are not able to support Clergymen to serve the respective Cures thereof:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the aforesaid Parishes of St. John and St. Peter shall be, and are hereby united and consolidated, and from and after the passing of this Act shall be united and Consolidated, and remain one entire Parish, and be called and known by the Name of the Parish of St. John; and shall and may, from Time to Time, have, hold, and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges, as any other Parish in this Province, And the Freeholders of the said Parish of St. John shall, and are hereby required, to meet at the Court House of the aforesaid County of Pasquotank, on the first Tuesday in December next, then and there to elect and choose Twelve Freeholders of the said

Parish, to serve as Vestrymen thereof: which Election shall be made by the Sheriff of the said County of Pasquotank, under the like Rules and Restrictions, Pains and Penalties, as well in respect to the said Sheriff, as the freeholders of the said Parish, as other Elections of Vestries in this Province are by Law appointed to be made. And the said Freeholders so elected for the said Parish, within Forty days after being elected, shall, before a Magistrate of the said County of Pasquotank, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and subscribe the Declaration directed to be made by an Act of Assembly, intituled, An Act for appointing Parishes and Vestries for the Encouragement of an Orthodox Clergy, for the Advancement of the Protestant Religion, and for the Direction of the Settlement of Parish Accounts, and also repeat and subscribe the Test; and shall be, and are hereby declared from thenceforth to be the Vestry of the said Parish, until the usual Time of electing Vestrymen in other Parishes; and shall and may, and are hereby required, to exercise and use the same Powers and Authorities, as any other Vestry in this Province may, can, or ought to exercise, and shall be liable to the same Penalties and Forfeitures as other Vestries, or Persons elected Vestrymen are in any Manner subject to. And the Vestrymen of the said Parish, or the Majority of them, when qualified as aforesaid, shall choose Church Wardens of the said Parish, who shall continue in Office until the usual Time of electing Church Wardens in the ensuing Year, at which Time the said Vestry shall again choose Church Wardens.

III. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, Clause and Clauses thereof, heretofore made, for so much thereof as relates to any Matter or Thing within the Purview of this Act, is and are hereby from henceforth repealed and made void, to all Intents and Purposes.

CHAPTER XXIV.

An Act for dividing the Parish of Edgecomb, in the County of Edgecomb, into Distinct Parishes.

I. Whereas the Parish of Edgecomb, in the County of Edgecomb, is of such large extent, that no Minister will serve the Cure thereof:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the said Parish of Edgecomb shall be divided as follows, to-wit: Beginning at Cuneta Creek, where the Line of the said Parish crosses the same, and up the said Creek, as it meanders, to the head thereof, and from thence a straight Course to Fishing Creek, at or near Michael Dorman's, and up the said Creek to the Line which divides the said Parish of Edgecomb from the Parish of St. John: and that all that part of the said Parish of Edgecomb, as it now stands entire and undivided, which lies to the Northward of the aforesaid Bounds, shall retain the Name of Edgecomb, and be one distinct Parish; and that all that part of the said Parish, which lies to the Southward of the said Bounds, shall be one distinct Parish, and be called by the Name of St. Mary, and be exempt from all Dependencies, Offices, Charges, or Contributions, for or in respect of the said Parish of Edgecomb, and all other Parochial Duties whatsoever, relating to the same; and shall and may, from Time to Time, have, hold, and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges as other Parishes in this Province.

III. And be it further Enacted, by the Authority aforesaid, That the Vestry of the aforesaid Parish of Edgecomb, as it is now entire and undivided, shall from henceforth be, and is hereby dissolved and made void, to all Intents and Purposes: And The Freeholders of the said Parish of Edgecomb, as the same shall stand divided from the aforesaid Parish of St. Mary, shall, and are hereby impowered and required, to meet at the Court House of the said County of Edgecomb on the fourth Tuesday in November next, then and there to elect and choose Twelve Freeholders of the said Parish, to serve as vestrymen of the same. And the Freeholders of the said Parish, of St. Mary shall, and they are hereby impowered and required, to meet at the Chappel on Tar River, near Elias Fort's, in the said Parish, on the second Tuesday in December next, then and there to elect and choose Twelve Freeholders of the said Parish, to serve as Vestrymen of the said Parish: which elections shall be made by the Sheriff of the said County of Edgecomb, under the like Rules and Restrictions, Pains and Penalties, as well in respect to the said Sheriff, as the Freeholders of the said Parishes, as other elections of Vestries in this Province are by Law appointed to be made. And the said Freeholders so elected for the said Parishes respectively, within forty days after being elected, shall, before a Magistrate of the said County of Edgecomb, take the Oaths by Law appointed to be taken for the Qualification of public Officers, and repeat and subscribe the Declaration directed to be made by the Act of Assembly, intituled, an Act for appointing Parishes and Vestries, for the Encouragement of an Orthodox Clergy, for the advancement of the Protestant Religion, and for the Direction of the settlement of Parish Accounts, and also repeat and subscribe the Test, and shall be, and are hereby declared, from thenceforth, to be the Vestries of the said Parishes respectively, until the Usual Time of electing Vestrymen in other Parishes; and shall and may, and are hereby required, to exercise and use the same Powers and Authorities, as other Vestries in this Province may, can, or ought to exercise; and shall be liable to the same Penalties and forfeitures as other Vestries, or persons elected Vestrymen, are in any Manner subject to. And the Vestrymen of the said Parishes respectively or the majority of them, when qualified as aforesaid, shall choose Church Wardens for the said Parishes, who shall continue in Office until the Usual Time of electing Church Wardens in the ensuing year, at which Time the said Vestries shall again choose other Church Wardens

IV. And be it further Enacted, by the Authority aforesaid, That the said Vestries respectively shall, and are hereby required, to lay a Tax on the taxable Persons in their respective Parishes, sufficient to defray the Contingent Charges of them for the present Year; which Taxes shall be collected, accounted for and paid in the same Manner as other Parish Taxes; any Law to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That the Vestry of the said Parish of St. Mary shall and may take, receive, keep, to the use of the said Parish, all such sum or Sums of Money as have been collected of the Taxes imposed and laid by the present Vestry of the Parish of Edgecomb, and shall stand chargeable to the several Creditors of the same, for all Debts, Dues, and Demands, now owing from the said Parish, except such Debts as were owing from the said Parish of Edgecomb at the Commencement of the present Vestry of the said Parish; which said Debts shall be paid by the said Parishes of Edgecomb and St. Mary, in Proportion to the Number of Taxables in them respectively, at the Time of passing this Act.

VI. And whereas there is a considerable Sum of Money due to the said Parish of Edgecomb from John Pope, late Sheriff of Edgecomb County, and

others, which ought to be equally divided amongst the Inhabitants of the aforesaid Parishes of Edgecomb and St. Mary, after the aforesaid Division takes Place; Be it Therefore Enacted, by the Authority aforesaid, That the said John Pope shall account for all Money by him owing to the said Parish of Edgecomb, and pay the same to the Honorable John Dawson, Esquire, and Robert Jones, Esquire, within one Month after the passing of this Act, who are hereby impowered, authorized, and required, to demand, take, and receive the same and in case the said John Pope, or the Person or Persons in Arrear as aforesaid, shall neglect or refuse to pay the same according to the Directions of this Act, it shall and may be lawful for the Supreme Court holden at Enfield, upon Motion of the said John Dawson and Robert Jones, to grant Judgment against the said John Pope, or other Person or Persons, for all such sums of Money as he or they have or ought to have received, as Collector of the said Parish of Edgecomb, and to award Execution thereupon.

VII. And be it further Enacted, by the Authority aforesaid, That the said John Dawson and Robert Jones, after they shall have received from the said John Pope, or any other Person or Persons, the Money aforesaid shall, and are hereby required, to pay and satisfy the same to the respective Vestries of the said Parishes of Edgecomb and St. Mary in proportion to the number of taxable persons in the said Parishes, after deducting Five per cent. for their Trouble in receiving and paying the same, and such Charges and expences as they shall be at in recovering the said Money.

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1757.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four and from thence continued, by several Prorogations, to the Sixteenth Day of May, in the Year of our Lord One Thousand Seven Hundred and Fifty Seven: Being the Fourth Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for granting a further Aid to his Majesty, for the Assistance of South Carolina, and the Defence of the Frontiers of this Province, and other Purposes.

(Omitted.)

CHAPTER II.

An Act to revive an Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort.

I. Whereas an Act of Assembly, intituled, an Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort, passed at an Assembly held at Bath Town the Thirty First Day of March, in the Year of our Lord One Thousand Seven Hundred and Fifty Two, was made to continue no longer than until the Conclusion of this Session of Assembly; and the same having been found greatly beneficial to the Trade and Commerce of this Province;

II. Be it further Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Act of Assembly aforesaid, from and after the passing of this Act, shall continue and remain in Force Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER III.

An Act to revive an Act to establish a Public Ferry from Newby's Point to Phelp's Point, whereon the Court House now stands, on Perquiman's River.

(Printed in Private Acts, *post.*)

CHAPTER IV.

An Act for Finishing the Church in Wilmington.

(Printed in Private Acts, *post.*)

CHAPTER V.

An Act for further continuing an Act, intituled an Act for the Encouragement of James Davis to set up and carry on his business of a Printer in this Province, and for other purposes therein mentioned. Exp.

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA,

1757.

At a General Assembly begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued, by several Prorogations, to the Twenty First Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty Seven: Being the Fifth Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for granting a further Aid to his Majesty, for subsisting the Forces necessary to be kept in the Pay of this Province, and for other Purposes.
(Omitted.)

CHAPTER II.

An Act to enable the Commissioners of Fort Johnston and Fort Granville to finish the Forts, and to erect Barracks for accommodating the Troops in the same.

I. Whereas the Commissioners appointed to build Fort Johnston and Fort Granville have not Public Money in their Hands to finish the said Forts and it will be several Years before the Taxes laid for raising the same will be paid:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Commissioners of Fort Johnston shall and may, from Time to Time, order and direct the Powder Receiver in Port Brunswick to sell and dispose of, at Public Vendue, Powder and Lead by him received, and to be received, to the amount of such Sum and Sums as they shall find necessary for finishing and repairing Fort Johnston and order the Monies arising by such Sale, and other Monies received, or to be received by the said Receiver on Account of the said Duty to be paid to such Person or Persons as they shall think proper, to be applied to finishing and repairing the said Fort, and for erecting and building Barracks for the accommodating such Troops as now are, or hereafter may be employed in garrisoning and defending the said Fort.

III. And be it further Enacted, by the Authority aforesaid, That the Commissioners of Fort Granville shall and may order and direct the several Powder Receivers of Port Roanoke, Port Bath, and Port Beaufort, from Time to Time, to sell and dispose of at Public Vendue, Powder and Lead by them respectively received, or to be received, to the amount of such Sum or Sums in the said several Ports respectively, as the said last Commissioners shall find necessary for finishing and repairing Fort Granville; and order the Monies arising on such Sales, and any other Monies received, or to be received by the Receivers of the said Ports, to be paid to such Person or Persons as they shall think proper, to be applied to finishing and repairing Fort Granville aforesaid, and for erecting and building Barracks for accommodating such Troops as now are or hereafter shall be employed in Garrisoning and defending the said Fort, reserving so much as they shall think neces-

sary for the Use of the same; any Act of Assembly, to the contrary, notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, That every of the said Receivers shall give Public Notice, by Advertisement, Ten Days before he shall make sale of any Powder and Lead by this Act directed to be sold.

CHAPTER III.

An Act for further amending an Act intituled An Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

I. Whereas the Provision made by one Act of Assembly made in the Twenty Eighth Year of his Present Majesty's Reign, intituled, An Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, hath not proved sufficient to prevent the pernicious Practice of exporting bad and unmerchantable Tobacco.

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That from and after the First Day of January next all Tobacco which shall be sold, bartered or exchanged, shall be first brought to some or one of the public Warehouses established by Law, and there viewed and inspected according to the Directions of the said Act. And all and every Person or Persons who shall presume to buy, sell, barter or exchange any Tobacco, before the same hath been viewed and inspected as aforesaid, shall forfeit and pay Twenty Shillings, Proclamation Money, for every Hundred Weight of such Tobacco, and so proportionably for a greater or less quantity to the Informer, To be recovered if it doth not exceed Twenty Five Shillings, Proclamation Money, before a Justice of the Peace; any if it doth exceed the said Sum, by Action of Debt, wherein the Plaintiff shall recover his Costs; and the Onus Probandi, as to the Tobacco sold, bartered or exchanged, being duly inspected, shall lie on the Defendant.

III. And be it further Enacted, That no Tobacco on any Pretence whatsoever, shall be carried or transported by Water, past any Public Warehouse, to be inspected out of the District where the same is, or shall be made; and if so carried or transported, shall not be inspected or passed, by any inspector's knowing the same to be made out of such District, upon Pain of forfeiting (by the Owner who shall carry or transport the same, and the Inspectors who shall pass such Tobacco, respectively), the Sum of Five Pounds, Proclamation Money, for every Hogshead, Case or Package of the said Tobacco, to the Informer; to be recovered by Action of Debt, with Costs in any Court of Record; And moreover, every Hogshead, Case or Package of such Tobacco, shall be forfeited to the Person or Persons who shall make Information thereof, and may be seized by a Warrant from any Justice of the Peace.

IV. And be it further Enacted, by the Authority aforesad, That no Tobacco which shall be brought to any Public Warehouse, and refused by the Inspectors officiating there, shall be carried away or removed therefrom, before the same shall be separated and picked according to the Directions of the aforementioned Act; And every Person and Persons who shall carry away or remove any Tobacco so refused from any Public Warehouse, contrary to the true Intent and Meaning of this Act, shall forfeit One Hundred Pounds, to be recovered by Action of Debt, in the Supreme Court; one Half to the Use of his Majesty, for and towards defraying the contingent Charges of Government, and the other Half to the Use of such Person as will sue for the same.

V. And whereas the Public Warehouse at Ragland's in Northampton County, is found, by experience, to be situated at a place inconvenient for the inhabitants of the said County; wherefore Be it Enacted by the Authority aforesaid, That from and after the First Day of October next, the said Warehouse shall be discontinued and cease to be a Public Warehouse.

VI. And whereas the Plantation which did belong to Robert and John Lyde, in the said County, and now owned by Robert Jones, of the said County, Esq.; has been represented to this Assembly as a Convenient Place for erecting thereat a Public Warehouse; and the said Robert Jones having given his consent that a Warehouse, for the Use of the Public, should be built at the said Plantation; Be it therefore Enacted by the Authority aforesaid, That the Justices of the County Court of Northampton, do cause a Public Warehouse to be erected and built at the Plantation aforesaid and appoint Inspectors to attend the same; which Warehouse when erected shall be deemed a Public Warehouse; and the Inspectors to be appointed to attend the same, shall be under the same Regulations and Restrictions, and intitled to the same Salaries and Emoluments, as is appointed and directed by this Act for other Inspectors attending Public Warehouses in the said Counties; any Act of Assembly to the contrary notwithstanding.

VII. And whereas by reason of the great Quantities of Tobacco brought to the Inspections at Buckston's and the Pitch Landing, on Meherrin, in Northampton County, and Elbeck's, in Edgecomb County, the Inspectors officiating at the said Inspections, cannot discharge the Duty of their respective Offices within the Time limited by the Aforesaid Act: Be it therefore further Enacted, by the Authority aforesaid, That from and after the Passing of this Act, the Inspectors of the said respective Inspections, shall constantly attend their Duty, from the First Day of March to the Twenty fifth Day of May; and from the Twentieth Day of October to the Tenth Day of January, Yearly; Sundays and Holy Days excepted.

VIII. And be it further Enacted, That there shall be paid to the several Inspectors attending the said Inspections, the Sum of Twenty Pounds, Proclamation Money, instead of the Salary by Law now established.

IX. And be it further Enacted, That the Justices of each and every other County, where there are Public Warehouses, shall and they are hereby impowered to enlarge or diminish the Salaries, and Time for attendance of Inspectors, as they shall think reasonable and convenient.

X. And be it further Enacted, That the Rent by the said Act directed to be paid, for every Hogshead of Tobacco received, inspected and delivered out of the Public Warehouses, respectively, shall be paid and satisfied by the Inspectors, out of the three Shillings per Hogshead, by the said Act appointed to be paid by the Shipper thereof.

XI. And be it further Enacted, by the Authority aforesaid, That when any Action shall be commenced and prosecuted against any Person founded on this Act, such Person shall not be enlarged out of Custody until he shall have given Bail to such Action; any Law or Custom to the contrary notwithstanding.

XII. And whereas Merchants and others have suffered greatly in the Counties of Edgecomb, Northampton, and Bertie, from having Tobacco weighed with Steelyards; Be it Enacted by the Authority aforesaid, That the Justices of the said Counties shall, at the expence of their respective Counties, cause Scales and Weights to be bought, for the Use of such Warehouses as are not already supplied therewith; and the Inspectors shall not, after they shall be furnished with the same, presume to weigh Tobacco with Steelyards.

CHAPTER IV.

An Act to Impower the Justices of the Supreme Court to take the Acknowledgement of Proof of Deeds and for Allowing them a Salary.
(Omitted.)

CHAPTER V.

An Act for establishing a Town on the Land of James Leslie, on Roanoke River.
(Printed in Private Acts, *post.*)

CHAPTER VI.

An Act for the better establishing a Ferry on the North East Side of the North West River of Cape Fear, being the Place Commonly Called or Known by the Name of Dawson's Ferry.
(Printed in Private Acts, *post.*)

CHAPTER VII.

An Act to obviate Doubts concerning Fees due on Proceedings in the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery.

I. Whereas it has been doubted, from the Practice of former Times, whether on the Death or Removal of a Chief Justice, the Executors or Administrators of such deceased Chief Justice, or any Chief Justice removed from his said Office, were intitled to have and receive the Fees which accrued and became due on suits and proceedings in the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, of this Province, where such Suits and Proceedings were not finally determined during the Time such Chief Justice so deceased or removed, continued in Office: To obviate such Doubts for the Future,

II. Be it Enacted by the Governor, Council, and Assembly, and the Authority of the same, That when any Chief Justice of this Province hath departed this life, or shall happen to die during the time of his Continuance in Office, or hath been, or shall be removed therefrom, it shall and may be lawful for the Executors, Administrators, or Assigns, of such Chief Justice so deceased, or which shall depart this life as aforesaid, and for such Chief Justice as hath been, or shall be removed from his said Office, to have, take and receive, to his or their own Proper Use, all Fees and Perquisites whatsoever accrued and become due, or which shall accrue and become due, on the several Suits and Proceedings in the Respective Courts of Justice, Oyer and Terminer, and General Gaol Delivery, of this Province, at the Time of the Death or Removal of any Chief Justice, although such Suits and Proceedings, at such Time or Times, were or shall not be, finally determined.

III. And be it further Enacted, by the Authority aforesaid, That when any Chief Justice hath departed this Life, or shall happen to die during his Continuance in Office, or hath been, or shall be removed therefrom, the Executors, Administrators, or Assigns, of such Chief Justice so deceased, or which shall die as aforesaid; and every Chief Justice which hath been, or shall be removed from his Office, shall and may have the like Relief, Remedy, and Proceedings, for all such Fees and Perquisites to them respectively due,

as can or may be had by any Chief Justice during the Time of his continuing in the said Office.

CHAPTER VIII.

An Act for preserving Peace, and continuing a good Correspondence with the Indians in Alliance with his Majesty's Subjects. Repealed.

CHAPTER IX.

An Act for adding Part of Beaufort to Craven County, for ascertaining the dividing Line between the said Counties.

I. Whereas the Inhabitants of that Part of Beaufort County, lying between Bay River and Lower Broad Creek, are, by Reason of the Removal of the Court of the said County at a very great Distance from the same, and are often put to great Hardships and Fatigue in attending their County Court at such a Distance; and whereas it would be much more convenient for the said Inhabitants, if that Part of the said County of Beaufort was added to Craven County:

II. Be it therefore Enacted, by the Governor, Council, and Assembly and it is hereby Enacted, by the Authority of the same, That that part of the said County of Beaufort, lying between Bay River and lower Broad Creek as aforesaid, be from henceforth deemed, held, and taken to be part of Craven County; and that the Inhabitants thereof be subject and liable to the same Rules, Orders and Taxes, as any other of the Inhabitants of the said County of Craven now are, or shall hereafter be, subject or liable to: Any Law, Usage or Custom, to the contrary, notwithstanding.

III. And whereas the Bounds of the said Counties of Beaufort and Craven are very uncertain, by reason of a dividing Line between the same never being as yet properly ascertained; Be it therefore Enacted, by the Authority aforesaid, That from henceforward the Bounds of the said Counties be by Bay River, from the Mouth thereof, up the main Westernmost Branch, to the Head; thence by the Flat Swamp that makes from the Head of the said River; and from the head of the said Flat Swamp, by a Line to be run nearly equi-distant between Tar and Neuse Rivers; and that Mr. John Hardy and Mr. Joseph Bryan are hereby appointed Commissioners for running the said Line, which shall be at the Expence of each County respectively.

CHAPTER X.

An Act to Amend an Act intituled an Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town.

(Printed in Private Acts, *post.*)

CHAPTER XI.

An Act to enable the Commissioners of the Church of Edenton to discharge the Contracts by them made concerning the finishing the same.

(Printed in Private Acts, *post.*)

CHAPTER XII.

An Act to repeal an Act intituled An Act for destroying Vermin in this Province.

I. Whereas an Act intituled, An Act for destroying Vermin in this Province, is found not to answer the good purposes intended thereby;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, and it is hereby Enacted, That the said Act of Assembly, intituled An Act for destroying Vermin in this Province, be, and the said Act is henceforth repealed, and declared to be null and void.

CHAPTER XIII.

An Act to dock the Intail of certain Lands now in possession of Harding Jones, under a devise in the Will of Frederick Jones, Esq., his Grandfather, deceased, by whom the same were intailed.

I. Whereas Frederick Jones, Esq., late of this Province, deceased, being in his Lifetime seized in his Demesne, as of Fee Simple, of in and to certain large Tracts of Land, lying and being in that Part of Chowan Precinct now called Tyrrell County, and in Hyde and Craven Counties; and being so seized the said Frederick Jones did, by his last Will and Testament, bearing Date the Ninth Day of April, in the Year of our Lord One Thousand Seven Hundred and Twenty Two, devise to his son William Harding Jones, in Tail-Male, all his Lands on the South Side of Morattuck River, and all his lands in Hyde Precinct; and in Default of Heirs Male of the said William Harding Jones, devised the Remainder of the said Lands, in Tail-Male, to his son Frederick Jones; and by the same Will the Testator devised all his Lands in Craven Precinct, in Tail-Male to his said son Frederick; and the said William Harding Jones, after the Death of the said Testator in Consequence of the said Devise, became seized of the Lands devised to him as aforesaid, and died seized thereof, without issue, in the lifetime of the said Frederick Jones, to whom the Remainder was limited as aforesaid, Which said Frederick under the said several Devises, became seized of the said several Tracts of Land, in his lifetime, and soon after died so seized, leaving Male Issue Two Sons, to-wit, Harding Jones and Frederick Jones, which said Harding Jones is now seized, in Tail-Male, of, in, and to all the Lands before mentioned; and the said Harding Jones, and the said Frederick Jones who, by the will of the said Testator in Default of Heirs Male of the said Harding Jones, will be intituled to the lands aforesaid, having by their Petition, set forth to this Assembly, that there is a large Arrear of Quit-rents due on the said Lands, and that they are unimproved, and will be burthensome and useless, unless Part of the said Lands may be sold to raise Money to discharge the Quitrents due aforesaid, and to improve the remaining part of them; and the Allegations of the said Petition having been fully made known:

II. We pray your most Excellent Majesty that it may be Enacted, And be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Intailment of the said Lands, in the several Counties aforesaid, so holden and possessed by the said Harding Jones, by Virtue of the Will of his Grandfather Frederick Jones, the Testator (except One Thousand Acres thereof, lying and being on Trent River, in Craven County, bounded by a Line beginning at an Oak on the Head of Reedy Branch, run-

ning by a Line of Marked Trees to the Head of Hood's Creek; then down the Meanders of the said Creek to Trent River; then up Trent River to the Mouth of Reedy Branch; then up Reedy Branch to the First Station) be docked and barred; and that it shall and may be lawful for the said Harding Jones to sell and convey the same or any Part thereof, in Fee Simple, in order to enable him to discharge the arrears of Quitrents due thereon, and to improve the remaining Part of the same, for the Benefit and Advantage of those who may hereafter, in Remainder or Reversion, be interested therein; and all Deeds by him hereafter made for conveying the same, shall be good and effectual in Law, to convey the Lands by the said Deeds to be granted to the Grantees, their Heirs and Assigns forever; any Thing in the said Will of the said Frederick Jones, deceased, Grandfather of the said Petitions, contained notwithstanding.

III. Provided nevertheless, That nothing herein contained shall be construed to destroy or take away the Right of his Majesty, his Heirs and Successors, nor the right of any Body, politic or corporate, nor that of any other Person or Persons, in and to the said several Tracts of Land (except that of the said Harding Jones and Frederick Jones, their, or either of their Heirs and the right of those claiming, or to claim, under them, or any or either of them, in virtue of the Intailment in the said Will mentioned) but the Right, Title, and Interest, which his Majesty, his Heirs and Successors, or any Bodies, politic or corporate, or any other Person or Persons (except the said Harding Jones and Frederick Jones, their, or either of their Heirs, and all claiming under them, or any or either of them, by virtue of the said Intailment) may have in and to the said several Tracts of Land, is hereby saved, secured, and reserved; any Thing in this Act, to the contrary, notwithstanding.

IV. Provided also, That this Act shall not take Effect, or be in Force until his Majesty's Approbation be had to the same.

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1758.

At a General Assembly begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four and from thence continued, by several Prorogations, to the Twenty Eighth Day of April, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight: Being the Sixth Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for granting an aid to his Majesty for augmenting the Troops now in the Pay of this Province, to be joined with those under the Command of Brigadier General Forbes, paying them whilst employed in the said Service and for placing Garrisons in the Forts on the Sea Coast.

CHAPTER II.

An Act to enable the Commissioners of Port Roanoke, to amend the Navigation of the said Port; and for other Purposes.

I. Whereas, from the bad Condition of the Channel from Beacon Island, through the Swatch, the Trade and Commerce of the Northern Parts of this Province is greatly prejudiced; and it having been represented to this Assembly by the Commissioners of Port Roanoke, that by removing certain Shoals, a better Channel may be made to Roanoke Bar, and that they have employed a skilful Person to undertake the same; Wherefore to enable the said Commissioners to accomplish the said Undertaking, in the most effectual Manner,

II. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, instead of the Powder and Lead Duty payable in the said Port of Roanoke, the Receiver of the said Duty, for and during the Space of Five Years, shall receive the same in Proclamation Money at the Rate of Two Shillings per Ton, for every Vessel that shall enter in the said Port; the Tonnage of which Vessel shall be ascertained agreeable to the Directions of an Act of Assembly, intituled, An Act to amend and continue An Act intituled, An Act for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province, for the Purposes therein mentioned; which Duty the said Receiver shall, from Time to Time, after deducting Five per Centum, and no more for his Commissions, pay to the Order of the Commissioners of the said Port, to be employed and laid out in mending the Channel, and improving of the same, in such Manner as they shall think most beneficial and serviceable for the Public.

III. Provided nevertheless, That the said Commissioners shall, from Time to Time, out of the Money arising from the said Duty, supply Fort Granville with Two Fifths of the Ammunition necessary to be expended in the said Fort.

IV. And be it further Enacted, by the Authority aforesaid, That all Vessels hereafter coming into the said Port of Roanoke over Roanoke Bar, shall

be subject to the same Tax as those which come over Roanoke Bar, are liable, by an Act of Assembly, intituled An Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort; and the Collector of Port Roanoke shall, from Time to Time, after deducting his Commissions, pay to the Order of the Commissioners of Port Roanoke aforesaid, as well the Money he shall receive by this Act, as what he has, and shall receive by Virtue of the last recited Act, to be employed by them in improving the Navigation of the said Port as aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the said Commissioners when required shall lay an Account of their proceedings, transactions, and disbursements, before the General Assembly.

VI. And be it further Enacted, by the Authority aforesaid, That the Honorable John Rieussett, Esq., be, and is hereby nominated and appointed a Commissioner of the Navigation for the Port of Roanoke.

VII. And whereas the Powder and lead Duty, payable in the Port of Brunswick is, by an Act of Assembly, intituled an Act to enable the Commissioners of Fort Johnston and Fort Granville to finish the Forts, and to erect Barracks for accommodating the Troops in the same, appropriated towards finishing Fort Johnston: and whereas the said Fort is at present well supplied with Ammunition; be it Enacted by the Authority aforesaid, That from and after the passing of this Act, instead of the Powder and Lead Duty, payable in the said Port of Brunswick, the Receiver of the said Dnty shall receive the same in Proclamation Money, at the rate of Two Shillings per Ton, for every Vessel that shall enter the said Port, for Five Years from and after the passing of this Act, and be intituled to Five per Cent. Commissions on such Money, and no more.

CHAPTER III.

An Act for altering the Times for holding Courts in Northampton, Edgecomb, Granville and Orange Counties.

(Omitted.)

CHAPTER IV.

An Act to confirm and establish several Vestries and other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER V.

An Act for Discontinuing the Warehouses at Elbeck's Landing, and erecting others in the Town of Halifax.

(Printed in Private Acts, *post.*)

CHAPTER VI.

An Act for establishing a Town on the Land of Jonathan Phelps, on Perquimons River.

(Printed in Private Acts, *post.*)

Signed by

ARTHUR DOBBS, Governor.

Matthew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1758.

At a General Assembly began and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four; and from thence continued, by several prorogations, to the Twenty Third Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, then held at Edenton: Being the Seventh Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for granting an aid to his Majesty, for placing proper Garrisons in the Forts Johnston and Granville; and for other Purposes.
(Omitted.)

CHAPTER II.

An Act for making better Provision for the Clergy.
(Omitted.)

CHAPTER III.

An Act for erecting a City on Neuse River, upon the Plantation called Tower Hill, fixing the Seat of Government therein, and building a Governor's House and Public Offices in the same.
(Omitted.)

CHAPTER IV.

An Act to regulate the Inspection of Pork, Beef, Rice, Flour, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Headings, Shingles, Lumber, and Deer Skins. Exp.

CHAPTER V.

An Act for encouraging the building of Public Mills, and directing the Duty of Millers.

I. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Water Grist-Mill already built, or which shall hereafter be built that hath, or shall at any Time grind for Toll, shall be held and deemed, and is hereby declared to be a Public Mill.

II. Be it further Enacted, by the Authority aforesaid, That it shall not be lawful for any Person or Persons hereafter to erect or build any Public Water Grist Mill, without first obtaining an Order of the County Court for that Purpose, in Manner by this Act directed, that is to say, Any Person willing to build such Mill on some convenient Run, who hath Land on both sides thereof, shall exhibit a Petition to the County Court for Leave to build such Mill;

which Court is hereby impowered to examine into the Allegations of such Petition, and to grant or deny such Leave to the said Petitioner, as to them shall seem just and reasonable.

III. And be it further Enacted, by the Authority aforesaid, That any Person willing to build such Mill, who hath Land only on one Side of a Run, shall exhibit his Petition to the County Court in Manner aforesaid, and therein shew who is the Proprietor of the Land on the opposite Side of the Run: whereupon a Summons shall issue to such Proprietor to appear at the next Court, and answer the Allegations of such Petition; and the Court also, at the same Time, shall order four honest Freeholders to lay off, view and value, on Oath, an Acre of the Land of such Proprietor, and also an Acre of the Land of the Petitioner, opposite thereto, and to report their opinion and Proceedings thereon to the Next Court, and thereupon the Court shall order the said Report to be recorded; and if it take not away Houses, Orchards, Gardens, or other immediate Conveniences, shall and may, and are hereby impowered and authorized, to grant Leave to the Petitioner, or such Proprietor, to erect such Mill at the Place proposed, as in their Discretion shall seem reasonable, and to order the costs of such Petition to be paid by the Person to whom such leave shall be granted.

IV. Provided always, That the Person to whom such leave is granted, shall pay down in Court, for the Acre of Land he shall obtain thereby, the Valuation Money, and procure a Record to be made thereof; which shall be a good and effectual Seisin in Law, to create to such Person, his Heirs and Assigns a Fee-Simple in such Acre of Land.

V. Provided, nevertheless, That it shall not be lawful for any Court to grant Leave to any Person to erect a Mill within Two Miles above, and Two Miles below, or so as to overflow any other Mill erected on the same Run; any Thing herein contained, to the contrary, notwithstanding.

VI. Provided also, That the Person so being seized shall, within One Year, begin to build a Water Mill, and finish the same within Three Years, and shall thereafter keep up the same for the Use and Ease of all such as shall be Customers to it, otherwise the said Land shall return to the Person from whom it was taken, or to such other Persons as shall have his Right; unless the Time for finishing the same, for reasons shewn to, and approved of by the Court, be enlarged.

VII. Provided likewise, That if any Water Mill, belonging to any Person within the Age of Twenty One Years, Feme Covert, Non Compos Mentis, or imprisoned, be let fall, burnt or destroyed, that then such Person or Persons and their Heir or Heirs, shall have Three Years to rebuild and repair such Mill, after his or their full Age, discoverture, coming of sound Mind, or Enlargement out of Prison.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Person shall think himself aggrieved by the Order of Determination of the County Court, he may appeal therefrom to the next Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the District in which the said Land doth lie, giving Bond and Security as usual; which Court shall and is hereby authorized and impowered, to take Cognizance of the same and to affirm such Order or reverse the same, and to give such Judgment therein as the County Court ought to have rendered.

IX. And whereas it hath heretofore frequently happened that a Person desirous of building a Water Mill, and having Land on one Side of a Run only, hath by order of the County Court, obtained an Acre of the Land on the opposite Side of the Run for that Purpose, which order is held not to be

warranted by the Laws now in Force: For Quieting the Owners of such Mills in the peaceable possession thereof, Be it further Enacted by the Authority aforesaid, That every Person who hath built any such Mill in Consequence of any such Order, and hath actually paid the Money according to the valuation of such Acre of Land, shall be, and is hereby declared to stand seized thereof, to him, his Heirs and Assigns, in Fee Simple, in the same Manner, and under the same Restrictions, Limitations, and Conditions, as if the same had been originally granted by Virtue of the Powers and Authorities of this Act

X. Provided, also, That where any Owner or Owners of a Mill already built, or that shall hereafter be built, shall conceive himself injured by the building of any other Water Mill by any Person or Persons on the same Stream, it shall and may be lawful for the Party injured to bring his Action on the Case against the Owner or Owners of such latter built Mill, in the same Manner as he might have done before the passing of this Act; any Thing herein contained, to the contrary, in any wise, notwithstanding.

XI. And to prevent Abuses by evil-minded, covetous, and exacting Millers, or Owners of Mills; Be it Enacted by the Authority aforesaid, That all Millers shall grind according to turn; and shall well and sufficiently grind the Grain brought to their Mills, if Water will permit; and shall take no more Toll for grinding than One Eighth Part of the Wheat, and one Sixth Part of the Indian Corn; and every Miller, or Keeper of a Mill, making Default herein, viz., not grinding according to Turn, not well and sufficiently grinding the Grain, if Water will permit as aforesaid, or exacting or taking more Toll than is herein set down and allowed, shall for every such Offence forfeit and pay Fifteen Shillings, Proclamation Money, to the Party Injured; to be recovered before a Justice of the Peace of the County wherein such Offence is committed, with Costs.

XII. Provided, always, That it shall be in the Power of the Owner of any such Mill to grind, or cause to be ground, his own Grain, at any Time he thinks fit any Thing in this Act, to the contrary, notwithstanding.

XIII. And for the better Discovery of such exacting Millers; Be it Enacted by the Authority aforesaid, and it is hereby Enacted, That all Millers shall keep in their Mills the following Measures, viz.: An Half Bushel and Peck tried and stamped by the Keeper of the Standard of the County wherein such Mill is; and two Toll Dishes for each Measure, one for Wheat, that shall not hold more than One-Eighth Part of each Measure, and one for Indian Corn, that shall not hold more than One Sixth Part of each Measure: And every Owner by himself, Servant or Slave, keeping any Mill and shall be lawfully convicted of keeping false Toll Dishes, contrary to the Intent and Meaning of this Act, shall forfeit and pay the Party injured Fifteen Shillings, Proclamation Money, to be recovered by a Warrant from a Justice of the Peace as aforesaid: And if in such Case such a Miller is a free Person, and keep such a Mill for a Share, or for Hire, and is guilty of any of the above Offences, it shall be lawful for the Owners to stop so much of his Share or Hire as will be sufficient to reimburse himself for such Fine or Fines as he shall become answerable for, with all the Charges that shall become due thereon.

XIV. And be it further Enacted, by the Authority aforesaid, That all other Act or Acts heretofore made, as far as they relate to Public Mills, are hereby from henceforth repealed, and made null and void.

CHAPTER VI.

An Act for establishing a Warehouse, for the Inspection of Tobacco, on the Land of Thomas Barnes, in the County of Halifax; and other purposes.

I. Whereas establishing a Public Inspection for Tobacco on Roanoke River, on the Land of Thomas Barnes, will be of Advantage to many Planters in the County of Halifax:

II. Be it Enacted by the Governor, Council, and Assembly and by the Authority of the same, That the Justices of the said County, before the Twentieth Day of October Next ensuing, shall, and are hereby impowered and directed, to build and erect, or cause to be built and erected, on the Land of Thomas Barnes on Roanoke River, a Warehouse and other Conveniences, fit and necessary for the reception, Inspection and Safe keeping of all such Tobacco as shall be brought to the same; and the said Warehouse when so erected, shall and is hereby declared to be a Public Warehouse.

III. And be it further Enacted, That the said Warehouse, and the Warehouse of Kehuky, shall be under one Inspection; and the Justices of the said County shall and are hereby impowered and directed, at the Time of appointing Inspectors for the said Inspections, to direct and order how the said Inspectors shall give their Attendance at the said Warehouses respectively.

IV. And whereas the Allowance by Law made to the Inspectors attending the Inspection at Pitch Landing, in Northampton County, is more than an Equivalent for the Service they perform; Be it further Enacted by the Authority aforesaid, That the said Inspectors respectively shall be allowed the Salary of Twelve Pounds per Annum, and no more; any Law to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That the Inspectors at each Public Inspection of Tobacco in this Province, shall be allowed to their own proper Use, the Sum of Two Shillings, Proclamation Money, for every Hogshead of Tobacco re-prized or paid away in Discharge of Transfer Notes, out of the Five Shillings appointed by Law to be paid by the Person receiving the same; any Law, Custom, or Usage to the contrary notwithstanding.

CHAPTER VII.

An additional Act to an Act, intituled, An Act concerning Servants and Slaves.

I. Whereas many great Charges have arisen to the Province by Punishment of Slaves, who having Liberty from their Owners to hire themselves out, and having committed Robberies; by the Importation of Slaves from Foreign Parts for Crimes by them committed; by the condemnation of Slaves to Death for capital Crimes, for want of a punishment adequate to the Crimes they have been guilty of; and by the High Valuation of Slaves condemned to Death, or killed by Virtue of an Outlawry;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That no Person who shall Permit any Slave to hire himself or herself out, shall be intitled to receive any Pay from the Public, should they be punished for any Crimes by them committed during the Time of such Permission; any Usage or Custom, to the contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That no Person hereafter purchasing any Slave, transported for Crimes from foreign Parts, into this Province, shall be intitled to receive any Payment from the Public, should such Slave afterwards be convicted and punished for any Crimes committed within this Province; unless he first make Oath, in the Court appointed for trying such Slave, that he did not at the Time of his purchasing, know that such Slave had been transported here for any Crimes committed in Foreign Parts.

IV. And be it further Enacted, by the Authority aforesaid, That no male Slave shall for the First Offence, be condemned to Death, unless for Murder or Rape; but for every other Capital Crime, shall for the First Offence, suffer castration, which punishment every Court trying such Slave, shall be empowered, and are hereby directed to cause to, be inflicted; and the Sheriff shall cause such Judgment to be duly Executed; for which he shall have and receive, from the Public, Twenty Shillings, Proclamation Money, and no more; any Usage or Custom to the contrary, notwithstanding.

V. Provided always, That such Slave be valued by the Court Trying him, in the Usual Manner, that in case Death should ensue the Owner might be paid by the Public; and that the Sum of Three Pounds, Proclamation Money, shall be allowed and paid by the Public, to defray the expence of the Cure, of each Slave Castrated.

VI. And be it further Enacted, by the Authority aforesaid, That there shall not be allowed by the Public to the owner of any Slave which shall hereafter happen to be convicted of any Capital Offence, killed on outlawry, or in being apprehended when run away, more than the Sum of Sixty Pounds, Proclamation Money; any Law or Custom to the contrary, notwithstanding.

CHAPTER VIII.

An Act for altering the Method of Working on the Roads, and appointing Public Ferries within the Counties of Craven, Carteret, Johnston, Beaufort, Orange, and Onslow.

I. Whereas the present Method of working on the Roads, and appointing Public Ferries, within the Counties of Craven, Carteret, Johnston, Beaufort, Onslow, and Orange, is found inconvenient, and not so agreeable to the Inhabitants of the said Counties as the Method prescribed by an Act of Assembly, passed at New Bern, in the Year of our Lord One Thousand Seven Hundred and Fifty Six, intituled, "An Act for establishing Public Roads and Ferries; and for the better Regulation of the same in several Counties."

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Method of working on Public Roads, and appointing Public Ferries, within the said Counties of Craven, Carteret, Johnston, Beaufort, Onslow, and Orange, shall be in the same Manner, and under the same Regulations and Restrictions, as is directed for the several Counties mentioned in an Act of Assembly, passed at New Bern, in the Year of our Lord One Thousand Seven Hundred and Fifty Six, intituled, "An Act, for establishing Public Roads and Ferries; and for the better Regulation of the same in several Counties," and that the said Act, and every Clause and Article thereof, be of as full Force and Efficacy, to all Intents and Purposes, within the said Counties of Craven, Carteret, Johnston, Beaufort, Onslow, and Orange as it is in the several Counties particularly mentioned in the said Act; any Act of Assembly to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That all and every Clause and Clauses in one Act of Assembly made and passed in the Year of our Lord One Thousand Seven Hundred and Forty Five, intituled, "An Act, for empowering the several Commissioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most Useful to the Public; "and also One Act of Assembly passed in the Year of our Lord One Thousand Seven Hundred and Fifty Two, intituled, "An Act for dividing part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish of St. Matthew and for appointing Vestrymen for the said Parish; and other Purposes therein mentioned;" and also one other Act of Assembly made and passed in the Year of our Lord One Thousand Seven Hundred and Fifty Six, intituled, "An Act to amend an Act for empowering the several Commissioners therein after Named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts therein after to be appointed, in such Manner as they judge most useful to the Public; and other Purposes," so far as relates to the said Counties of Craven, Carteret, Johnston, Beaufort, Onslow and Orange, is, and are hereby repealed, and for the Future made Void.

CHAPTER IX.

An Act for appointing a Proper Place for holding the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the District of Northampton, Edgecomb, and Granville.

I. Whereas it hath been represented to the Assembly by the Inhabitants of Northampton, Edgecomb, and Granville, that Enfield, the place where the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the said Counties, have been usually held, is not central to the said District; and that the Justices of the said Court, and the Officers, Suitors, Jurors, and others, whose attendance at the same is by law required, is subject to great Hardships and Inconveniences, for Want of proper Accommodation and Entertainment: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Tenth Day of October next, the said Court shall be constantly held for the said District, on the Days and Times by Law appointed, in the Town of Halifax, and not at Enfield aforesaid; any Law, Usage, or Custom to the contrary notwithstanding.

III. And be it further Enacted, That after the aforesaid Tenth Day of October all appearances, and Returns of Process, shall be made to the said Court in the Town of Halifax aforesaid; and all Recognizances, Bonds and Obligations for appearances, and all Writs, Summons for Witnesses, and other Process, as Valid and effectual, as if the said Place had been expressly mentioned therein: And all Suitors, Witnesses, and others, whose Attendance is required at the said Court, shall appear thereat in the Town of Halifax aforesaid, under the same Rules and Regulations, and subject to the like Pains and Penalties for Default therein, as they should or would have been subject or liable to, if the said Court had continued to be held at Enfield.

IV. And whereas, it will be necessary to erect a Court House, Prison, Pillory, Stocks, and Clerk's Office, in the Town of Halifax aforesaid,

for holding the said Court, and the Detention and Punishment of Offenders; Be it further Enacted by the Authority aforesaid, That the Directors and Trustees of the Town of Halifax be, and are hereby impowered and required, to remove the Prison, Pillory, Stocks, and Clerk's Office, which are erected at Enfield aforesaid, and rebuild and place the same in the said Town, or to erect and build others therein, together with a Court House, as to them or the Majority of them, shall seem most convenient; and they, or the Majority of them shall and may, and are hereby impowered and required, to contract and agree with an Undertaker or Undertakers to perform the same, and to take Bond and Security for such Performance.

V. And for enabling such Commissioners to discharge Contracts as they shall enter into for the Purposes aforesaid; Be it further enacted, by the Authority aforesaid, That the Sum of One Hundred and Thirty Four Pounds Nine Shillings and Four Pence Three Farthings, Proclamation Money, now in the Hands of Robert Jones, Jun., and belonging to the said Counties of Northampton, Edgecomb, and Granville, shall be by him paid into the Hands of the said Trustees and Directors, and by them applied for the Purposes aforesaid; any Law to the contrary notwithstanding.

VI. Be it further Enacted, by the Authority aforesaid, That a Poll Tax of Six Pence be levied on each taxable Person in the aforesaid Counties of Northampton and Edgecomb, to be collected for the present Year by the said Sheriff respectively, and accounted for and paid to the said Trustees and Directors, at the same Time, and in such Manner, and under the like Penalties, as by Law directed for the collecting, accounting for, and paying Public Taxes.

VII. And whereas William Johnston, late Sheriff of the County of Granville aforesaid, did, through mistake, levy on the Taxable Persons in the said County for the Year One Thousand Seven Hundred and Fifty Seven, the Sum of Six Pence Proclamation Money, each towards erecting, at Enfield aforesaid, a Clerk's Office and Prison; Be it further Enacted, by the Authority aforesaid, That the said William Johnston shall pay the said Money by him so collected to the said directors and Trustees; and in case of his Refusal or Neglect, shall or may be compelled thereto by a Judgment of the aforesaid Court, on Motion of the said Trustees and Directors; provided that the said William Johnston have Ten Days previous Notice of such Motion.

VIII. And be it further Enacted, by the Authority aforesaid, That the said Trustees and Directors shall apply the aforesaid Monies, and such other Sum or Sums as they shall obtain, by voluntary Donation of Gentlemen or otherwise, towards building a Court House, removing and rebuilding the Prison, Pillory, Stocks, and Clerk's Office, now in Enfield, into the Town of Halifax aforesaid; or in erecting or building in the same others for the Use of the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the said District, as to the said Commissioners and Directors shall seem most convenient.

IX. And be it further Enacted, by the Authority aforesaid, That if it should hereafter be thought necessary to remove the Court of Edgecomb County from Enfield the Place where it is now held, into the Town of Halifax aforesaid, the Justices of the said County shall and may, and are hereby declared to have full power and Authority to Hold a Court for the said County from Time to Time, in the Court House to be erected for the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the said District; and to have the Use of the Prison and Stocks to be built for the same, in as free and ample Manner, to all intents and Purposes, as if

the same had been erected and built at the particular expence of the said County. And the Inhabitants of the said County shall not be compelled or obliged to pay any further or other Sums towards repairing or Rebuilding the aforesaid Court House, Prison, Pillory, or Stocks, than what is herein before directed, or shall hereafter be by Law appointed; any Thing herein contained, or any Law to the Contrary thereof, notwithstanding.

CHAPTER X.

An Act for Regulating Ordinaries and Houses of Entertainments; and for other Purposes.

I. Whereas the Laws at present in Force, have been found ineffectual for the Due Regulation of Ordinaries, and Restraint of Tippling Houses.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Persons hereafter retailing Liquors, shall sell the same by sealed Measures, according to the Directions of an Act of Assembly, intituled, An Act for regulating Weights and Measures; Provided, that it shall and may be lawful for Ordinary Keepers, licensed agreeable to the Directions of this Act, to sell liquor in Bottles, Bowls or Mugs, so as they sell for no more than the Quantity the said Vessels contain.

III. And be it further Enacted, by the Authority aforesaid, That no Person not having a License for keeping an Ordinary, shall sell or retail Liquors in smaller quantities than is by this Act permitted, under the Penalty of Five Pounds, Proclamation Money; one Half to the Governor or Commander in Chief for the Time being and the other Half to the Informer.

IV. And be it further Enacted, by the Authority aforesaid, That any Person by applying to the Court of the County in which such Person dwells, and Praying a License to keep an Ordinary, may, at the Direction of Such Court, be ordered to have a License for the purpose aforesaid; unless it shall appear to the said Court that the Person so applying is a Person of Gross Immorality, of such Poor circumstances, and slender Credit, that they think it will not be possible for him or her to comply with the intention of this Act, or usually suffers excessive or unlawful gaming in his or her House; and on granting such License the Person who applies for the same shall produce one or more Persons securities to the said Court, to be by them approved; who shall before the license be made out, join with him or her in a bond, of the following Tenor, to-wit:

Know all men by these presents, That we, A. B. and C. D., are held and firmly bound unto Governor and Commander in Chief, in and over the Province of North Carolina, in the Sum of Thirty Pounds, Proclamation Money, to be paid to the said or his Successors; To the Which Payment well and truly to be made, we bind ourselves, and every of us, our, and every of our Heirs, Executors and Administrators, jointly and severally, firmly by these Presents. Sealed with our Seals, and Dated the Day of

The condition of this obligation is such, That whereas the said A. B. hath obtained a licence to keep an Ordinary at If therefore the said A. B. doth constantly find and provide in his or her said Ordinary, good wholesome and clean Diet and Lodging for Travellers; and Stable, Fodder, and Corn, or Pasturage and Corn, as the Season shall require, for their Horses, for and during the Term of One Year from the Day of and shall not suffer unlawful Gaming in his or her House, nor sell Liquors on the

Lord's day to any Person by which such Person may be Intoxicated; then this Obligation to be void; otherwise to remain in force.

And in Case of a Breach of, or not complying with the Condition of said Bond, it shall and may be Lawful for any Person, in the Name of the Governor, to sue and recover the Penalty of the said Bond; and apply one Half thereof to his Own Use, and the other half to the Use of the Parish where the Cause of Action shall arise.

V. And be it further Enacted, by the Authority aforesaid, That when such Bond shall have been given, the Clerk of the Court shall prepare a License and sign the same; which license shall continue in Force One Year, and no longer; for which Twenty Shillings shall be paid to the Governor or Commander in chief for the Time being; and the Clerk shall receive, to his own Use, for the License, Order of Court and Bond, Five Shillings.

VI. And be it further Enacted by the Authority aforesaid, That if any Ordinary Keeper shall sell to any Person, in his or her House, immoderate quantities of strong Liquors, whereby such Person may be intoxicated on the Lord's Day; or entertain Servants and Slaves Against the Will of their Masters or Mistresses; or common Sailors, against the Direction of the Masters of Vessels to which they belong; every Ordinary keeper so offending, shall and may, by Order of Two Justices, before whom such offence shall be proved, be, from thenceforth, suspended and disabled from keeping an Ordinary, as if he or she had never obtained a Licence for that Purpose.

VII. Provided nevertheless, That such Ordinary Keeper may be heard by the next, or any Succeeding County Court; who, if they think proper, may restore such Ordinary keeper, by granting him a new License.

VIII. And be it further Enacted, by the Authority aforesaid, That any Person which after being suspended and disabled from keeping an Ordinary according to the Directions of this Act shall sell or retail Liquors until he or she shall obtain another License for such Purpose, shall be liable to the same Penalties as if a License never had been granted to him or her.

IX. And be it further Enacted, by the Authority aforesaid, That the Justices of each County, annually, at the next County Court after the First Day of May, shall rate the Prices of Liquors, Diet, Lodging, Fodder, Corn, Provender, and Pasturage, to be taken by Ordinary Keepers; and every Ordinary Keeper shall, within One Month after the Rates shall be set by the County Court where his or her License shall be granted, obtain of the Clerk a fair Copy of such Rates; for which the Clerk may take and receive Two Shillings and Six Pence, Proclamation Money, and no more; which Copy shall be openly set up in the common entertaining Room of such Ordinary, and there kept till the Rates are again altered; and every Ordinary Keeper failing herein shall forfeit Five Pounds Proclamation Money

X. And be it further Enacted, by the Authority aforesaid, That every Ordinary Keeper who shall ask, demand, or receive, a greater Price for any Drink, Diet, Lodging, Fodder, Provender, Corn, or Pasturage, than shall be rated by the Justices, according to the Direction of this Act, shall forfeit Ten Shillings; to be recovered by the Informer, to his own Use, by a Warrant from a Justice of the Peace of the County where such Offence shall be committed.

XI. And be it further Enacted, by the Authority aforesaid, That no Ordinary-keeper shall sell on Credit, Liquors to any common Sailor, without Leave of the Master of the Ship or Vessel to which he belongs; under the Penalty of loosing the Money which otherwise he or she might recover for the Liquors so sold on Credit to such Sailor; nor sell Drink, upon Credit, to any other Person, to a greater Sum than Five Pounds; unless the Person

so credited shall sign a Book, in acknowledgement of the said Debt; under the Penalty of loosing the Money so credited; and in any Action brought for Recovery of such Debt, the General Issue may be pleaded, and this Act given in Evidence.

XII. And be it further Enacted, by the Authority aforesaid, That all Penalties, Fines and Forfeitures, in this Act, the Method of recovering or applying whereof are not herein particularly directed, shall be, one Half to the Church Wardens and Vestry of the Parish where such Fine is incurred, for the Use of the Parish, and the other Half to him or them that shall sue for the same; To be recovered with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; wherein no Essoign, Protection, or Wager of Law, shall be admitted of.

XIII. Provided always, That nothing herein contained, shall be construed, deemed or taken, to prohibit or restrain any Merchant, or other Person to sell by retail, Wine, Brandy, Rum or other Spirits, in any Quantity, not less than a Quart; or Ale, Beer or Cyder, in any Quantity, not less than a gallon; if none of the said Liquors are allowed to be tipped or drank out at the House, Stores or Plantations where the same are sold.

XIV. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every clause and Article thereof heretofore made, so far as relates to regulating Ordinaries, and Restraint of tipling Houses; or to any other matter or Things whatsoever within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes.

CHAPTER XI.

An Act to make Provision for paying the Chief Justice, and Attorney-General's Salaries; and defraying the Contingent Charges of Government.

I. Whereas there is not at present a sufficient Fund for paying the Salaries of the Chief Justice, and Attorney General, for attending the Supreme Courts of Justice; nor a sufficient Provision for discharging the Allowance made to the Members of his Majesty's Council, and the Members of Assembly.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That an annual Poll-Tax, of One Shilling and Six Pence, Proclamation Money, be levied on each Taxable Person within this Province, for and during the Space of Four Years, from and after the Tenth Day of June next; and from thence to the end of the next session of Assembly, and no longer; Which Tax shall be collected, accounted for, and paid as Public Taxes by Law are payable; and shall by the Sheriffs, be paid to the Treasurers of the respective Districts, by the Tenth Day of June, in each Year, during the Continuance of this Act; under the like Penalties as are inflicted on Sheriffs for not accounting for, and paying Public Taxes.

III. And be it further Enacted, by the Authority aforesaid, That the said Tax shall be applied to pay the Salaries to the Chief Justice, and Attorney-General; and to paying the Claims of Persons to whom the Public is, or shall be indebted; and for the Allowance to the Members of his Majesty's Council; and the Members of Assembly, for their Public Services, in attending General Assemblies; and towards defraying other contingent Charges of Government.

IV. And be it further Enacted, by the Authority aforesaid, That all Public Taxes shall, annually be paid to the Sheriffs of each respective County, and by them paid to the respective Treasurers, on or before the Tenth Day of June in each Year; Any Law or Usage to the contrary, notwithstanding.

CHAPTER XII.

An Act for dividing the County of Johnston, and other Purposes.

I. Whereas the large extent of the County of Johnston renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts and General Musters, and other Public Meetings appointed therein:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Tenth Day of April next the said County be divided by the dividing Line between the Parish of St. Patrick and the Parish of St. Stephen; and that that part of the said County which is now the Parish of St. Stephen; remain, be called, and known by the name of Johnston; and that part of the said County which is the Parish of St. Patrick, be thenceforth erected into a distinct County, and called and known by the Name of Dobbs.

III. And for the due Administration of Justice, Be it further Enacted, by the Authority aforesaid, That after the aforesaid Tenth Day of April, a Court for the aforesaid County of Johnston, be constantly held by the Justices thereof, at a Place called Hinton's Quarter, on the South side of Neuse River, upon the last Tuesdays in January, April, July, and October and also that a Court for the said County of Dobbs be constantly held by the Justices thereof, at the Court House on Walnut Creek, upon the first Tuesdays in February, May, August, and November, every year, as by the Laws of this Province is provided and shall be, by Commission to the Justices of the said Counties, respectively directed.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Johnston, as the same stands now undivided, to make Distress for any Levies, Fees or other Dues, that shall be due from the Inhabitants of the said County, on the said Tenth Day of April, in the same Manner as by Law the said Sheriff could or might have done if the said County had remained undivided; and the said Levies, Fees, and other dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That after the said Tenth Day of April the said County of Dobbs shall be, continue and remain Part of the District of the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery usually held for the Counties of Craven, Carteret, Johnston, Beaufort, and Hyde; and the Sheriff or Collector of the said County of Dobbs shall, from Time to Time, account for and pay to the Public Treasurer for the Southern District of this Province for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner and under the like Pains and Penalties, as other Sheriffs.

VI. Provided always, That nothing herein contained shall be construed, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs and Successors of granting Letters of Incorporation to the said Counties, of ordering, appointing, and directing the Election of a Member or Members to represent them in Assembly, and of granting Markets and Fairs to be kept and held in them respectively; but that the said Right and Prerogative shall and may, at all Times hereafter, be exercised therein by his said Majesty, his Heirs, and Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

VII. And for establishing Roads and Ferries, and for the better regulation of the same in the said County of Dobbs; Be it enacted, by the authority aforesaid, That one Act of Assembly of this Province made and passed in the year of our Lord one thousand and fifty-six, intituled An Act for establishing Public Roads and ferries, and for the better regulation of the same in several Counties; and every clause and article therein shall extend to the said County of Dobbs, and be in full force within the same, to all intents and purposes as if the said County had been particularly mentioned in the said Act.

CHAPTER XIII.

An Act for dividing Edgecomb County.

I. Whereas divers inconveniences attend the Inhabitants of Edgecomb County, by reason of the large extent thereof, and the great Distance that many of them live from the Court House, and other Places usually appointed for Public Meetings;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and immediately after the First Day of January next ensuing, the said County of Edgecomb be divided, by the dividing Line between the Parish of Edgecomb and the Parish of St. Mary; and that that Part of the said County which is now the Parish of St. Mary, remain, be called, and known by the Name of Edgecomb County; and that that Part of the said County which is now the Parish of Edgecomb, be thence forth erected into one distinct County, and called and known by the Name of Halifax.

III. And for the due Administration of Justice, Be it further Enacted, by the Authority aforesaid, That after the said first Day of January, a Court for the said County of Edgecomb be constantly held, by the Justices thereof, at Redman's Oldfield, on Tyoncoca, upon the Days and Times by Law appointed for that purpose; and also that a Court for the said County of Halifax be constantly held, by the Justices thereof, at Enfield, upon the first Tuesdays in March, June, September, and December, in every Year, as by the Laws of this Province is Provided, and shall be, by Commission to the Justices of the said Counties, respectively, directed.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Edgecomb, as the same stands now undivided, to make Distress for any Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the said First Day of January, in the same Manner as by Law the said Sheriff could or might have done if the said County had remained undivided; and the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

V. Be it further Enacted, by the Authority aforesaid, That after the said First Day of January, the said County of Halifax shall be, continue, and remain part of the District Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, usually held for the Counties of Northampton, Edgecomb, and Granville; and the Sheriff or Collector of the said County of Halifax shall, from Time to Time account for and pay to the Public Treasurer of the Northern District of this Province for the Time being, all Public Levies by him Collected, or wherewith he shall stand Chargeable, in

the same Manner, and under the like Pains and Penalties, as other Sheriffs.

VI. Provided always, That nothing herein contained shall be construed, deemed or taken, to alter or derogate from the Rights and Royal Prerogative of his Majesty, his heirs or Successors of granting Letters of Incorporation to the said Counties, and of ordering, appointing, and directing the Election of a Member or Members to represent them in Assembly, and of granting Markets and Fairs to be kept and held in them respectively; but that the said Right and Prerogative shall and may, at all Times hereafter, be exercised therein by his said Majesty, his Heirs or Successors, in as full and ample manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

CHAPTER XIV.

An Act for Dividing the Parish of St. John, in Granville County.

I. Whereas by Reason of the large Extent of the Parish of St. John, in the County of Granville, the Minister thereof is put to great Difficulty in discharging the Duty of his Function, and the Parishioners are subject to many Inconveniences;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and immediately after the Twentieth Day of September next, the said Parish of St. John be divided into two distinct Parishes, to-wit: Beginning at Cotton Creek where the Virginia Line crosses the same, thence running South, Thirty Degrees West, to Johnston County Line; and that all that part of the said Parish which lies Eastward of the Line, remain and be called the Parish of St. John; and that all that other Part of the said Parish which lies Westward of the said Line, shall be one other distinct Parish, and called by the Name of Granville.

III. And be it further Enacted by the Authority aforesaid, That William Eaton, William Person, Charles Johnston, William Johnston, Philemon Hawkins, Gideon Mackon, Osborne Jefferies, Lodwick Alford, John Pope, William Massey, Daniel Harris, and John Hawkins, be, and are hereby appointed Vestrymen for the said Parish of St. John; and that Robert Harris, Richard Henderson, Reuben Leary, Henry Howard, Richard Harris, Jun., James Mitchell, Andrew Hampton, Thomas Lowe, Evan Ragland, William Benford, Darwin Elwick, and Sharwood Harris, be and are hereby appointed Vestrymen for the said Parish of Granville: And the said Persons respectively, within Twenty Days after the said Twentieth Day of September, shall before a Magistrate of the said County of Granville, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and subscribe the Declaration directed to be made by an Act of Assembly, intituled, An Act for appointing Parishes and Vestries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Protestant Religion, and for the Direction of the Settlement of Parish Accounts; and also repeat and subscribe the Test.

IV. And be it further Enacted, by the Authority aforesaid, That every Person hereby appointed of the Vestries aforesaid respectively, who shall refuse or neglect to take the Oaths aforementioned, and repeat and subscribe the Declaration and Test in Manner aforesaid, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Parish whereof he is a Resident; to be recovered by the Church Wardens thereof, by a Warrant from any Two of his Majesty's Justices of the Peace for the said County, and to be applied towards lessening the Levy of the said Parish: And in

such Case, or where a Vestryman shall die or remove out of the Parish for which he is appointed, the other Persons appointed as aforesaid, or the Majority of them, shall and may, after being qualified in Manner hereinbefore directed, elect and choose another Person (being a Freeholder) in Place of him who shall so refuse, or neglect, or die, or remove; and such Person so elected in Manner aforesaid, after his taking the Oaths, and repeating and subscribing the Declaration aforesaid, and Test, shall be deemed and held a legal vestryman, to all Intents and Purposes, as if he had been particularly appointed by this Act.

V. And be it further Enacted, by the Authority aforesaid, That the said Vestries, respectively, shall continue to be Vestries; and shall and may continue, use and exercise the like Powers and Authorities, as other Vestries within this Province may, can, or ought to use and enjoy; and be subject to the Pains and Penalties for Breach or Neglect of Duty, specified in the aforesaid Act of Assembly, until the Usual Time of electing Vestrymen.

VI. And be it further Enacted, by the Authority aforesaid, That all Contracts, Agreements, and Orders, heretofore entered into or made by the Vestry of the said Parish of St. John, as it now stands entire and undivided, shall be, continue and remain of the same Force, Validity, and Effect, as if this Act had never been made.

VII. And be it further Enacted, by the Authority aforesaid, That the aforesaid Vestry of the Parish of St. John, after paying the Minister's Salary, discharging the Allowance made to the Poor, and other Demands wherewith the said Parish of St. John, as it now is entire and undivided, stands chargeable, shall pay and satisfy to the vestry of the said Parish of Granville, an equal Proportion of all the Money levied for the Use of the said Parish of St. John whether the same be collected, or by the Collector of the said Parish still to be accounted for; due Regard being had to the Number of Taxables in each of the said Parishes; And if the Tax already imposed by the Vestry of the said Parish of St. John shall be insufficient to answer the said Demands, the said Vestry of the aforesaid Parish of Granville shall pay and satisfy to the said Vestry of the Parish of St. John, an equal Proportion or such Deficiency, Regard being had to the Number of Taxables as aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to Debar the Collector of the said Parish of St. John as the same stands now undivided, to make Distress for any Levies or Taxes that shall be due from the Inhabitants of the said Parish on the said Twentieth Day of September, in the same Manner as by Law the said Collector could or might have done if the said Parish had remained undivided; and the said Levies and Taxes shall be collected and accounted for in the same Manner, as if this Act had never been made; any Thing herein contained, to the contrary notwithstanding.

CHAPTER XV.

An Act for dividing the Parish of North West.

I. Whereas by reason of the great length of the Parish of North West, in the County of Northampton, it is extremely difficult for the Minister to discharge the duty of his Function; and many Inconveniences attend the Parishioners thereof:

-II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and immediately after the first Day

of January next, the said Parish of North West be divided into Two distinct Parishes; from Bertie County Line, by Poticatia Swamp, to the Head Branch thereof; and from thence a direct Course, to the County Line, where the same crosses Jack Swamp, and that all that part of the said Parish which lies North West of the said Bounds, shall, forever hereafter, remain, be called, and retain the name of the Parish of the North West; and that all that other Part of the said Parish, which lies Southward of the said Bounds, shall hereafter be a distinct Parish, and called and known by the name of the Parish of St. George.

III. And be it further Enacted, by the Authority aforesaid, That William Murphree, James Washington, James Turner, Samuel Thomas, Joseph Sikes, Charles Skinner, William Battle, Joseph Smith, Benjamin DeBerry, Robert Warren, James Manna, and John Figures, be, and are hereby appointed Vestrymen for the said Parish of North West: And that William Cathcart, John Edwards, John Dukes, William Pace, Thomas Wilburn, William Short, John Jones, William Allen, Harwood Jones, Thomas Barret, William Winborne, and Green Hill, be, and are hereby appointed Vestrymen for the said Parish of St. George: And the said Persons respectively, within Twenty Days after the said first Day of January, shall, before a Magistrate of the said County of Northampton, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and subscribe the Declaration directed to be made by an Act of Assembly, intituled, "An Act for appointing Parishes and Vestries; for the encouragement of an Orthodox Clergy; for the Advancement of the Protestant Religion; and for the direction of the Settlement of Parish Accounts;" and also repeat and subscribe the Test; and from thenceforth shall and may, and is hereby required to exercise, and use all the Powers and Authorities, that any other Vestryman in this Province may, can, or ought to exercise and enjoy; and shall be liable to the same Penalties and Forfeitures, as any other Person elected a Vestryman is in any Manner subject to.

IV. And be it further Enacted, by the Authority aforesaid, That every Person hereby appointed of the Vestries aforesaid respectively, who shall refuse or neglect to take the Oaths aforementioned, and repeat and subscribe the Declaration and Test in Manner aforesaid, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Parish whereof he is a Resident; to be recovered by the Church Wardens thereof, by a Warrant from any Two of his Majesty's Justices of the Peace for the said County, and to be applied towards lessening the Levy of the said Parish: And in such Case or where a Vestryman shall die or remove out of the said Parish for which he is appointed, the other Persons appointed as aforesaid, or the Majority of them, shall and may, after being qualified in Manner herein before directed, elect and choose another Person (being a Freeholder) in Place of him who shall so refuse, or neglect, or die, or remove; and such Person so elected in Manner aforesaid, after his taking the Oaths, and repeating and subscribing the Declaration aforesaid, and Test, shall be deemed and held to be a legal Vestryman, to all Intents and Purposes, as if he had been particularly appointed by this Act.

V. And be it further Enacted, by the Authority aforesaid, That the said Vestries, respectively, shall continue to be Vestries; and shall and may continue to use and exercise the like Powers and Authorities, as other Vestries within this Province may, can, or ought to use and enjoy; and be subject to the Pains and Penalties for Breach or Neglect of Duty, specified in the aforesaid Act of Assembly, until the usual Time of electing Vestrymen.

VI. And be it further Enacted, by the Authority aforesaid, That the afore-

said Vestry of the Parish of North West, after paying the Minister's Salary; discharging the allowances made to the Poor; and other Demands wherewith the said Parish of North West, as it is now entire and undivided, stands chargeable, shall pay and satisfy to the Vestry of the said Parish of St. George, an equal Proportion of all the money levied for the use of the said Parish of North West, whether the same be collected, or by the Collector of the said Parish still to be accounted for; due regard being had to the Number of Taxables in each of the said Parishes: And if the tax already imposed by the Vestry of the said Parish of North West, shall be insufficient to answer the said Demands, the said Vestry of the aforesaid Parish of St. George, shall pay and satisfy to the said Vestry of the Parish of North West, an equal Proportion of such Deficiency; Regard being had to the Number of Taxables as aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Collector of the said Parish of North West, as the same stands now undivided, to make Distress for any Levies or Taxes that shall be due from the Inhabitants of the said Parish on the said first Day of January, in the same Manner as by Law the said Collector could or might have done if the said Parish had remained undivided; and the said Levies and Taxes shall be collected and accounted for, in the same Manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

CHAPTER XVI.

An Act for establishing a Town on the Lands formerly belonging to Zachariah Nixon, lying on the North East Side of Little River, in Pasquotank County.

(Printed in Private Acts, *post.*)

CHAPTER XVII.

An Act to establish a Ferry from Solley's Point to Relf's Point, whereon the Court House Now stands, on Pasquotank River. Expunged.

CHAPTER XVIII.

An Act for destroying Squirrels in the Counties within Mentioned.

I. Whereas by the numerous Increase of Squirrels much Damage and Injury is Yearly done, as well to the growing Corn, as to the Mast in general, in the Counties of Pasquotank and Perquimons, within this Province; and unless some speedy Remedy be taken to prevent their future Increase, much greater Damage and Injury will yearly ensue; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Master, Mistress or overseer of any Family in the Counties aforesaid, shall kill or cause to be killed, in each Year, Ten Squirrels, for each Taxable he or she shall enlist in the Counties aforesaid under the Penalty of forfeiting and paying the Sum of Two Pence, Proclamation Money, for each squirrel he or she shall so fail or neglect to kill, or cause to be killed; to be recovered and applied as hereinafter directed.

III. And be it further Enacted, by the Authority aforesaid, That every Master, Mistress, or overseer of any Plantation, shall, on killing any Squirrel

or Squirrels as aforesaid, produce the Scalp with the Ears on, to some Justice of the Peace, who, on producing the same, shall give a Certificate to the said Person or Persons for the Number of Scalps he, she, or they shall produce; which said Justice in giving a Certificate as aforesaid, shall destroy, or cause to be destroyed, in his Presence, the said Scalps so produced.

IV. And for the more effectual obtaining Certificates as aforesaid; Be it further Enacted, That each Collector of the Parish Levies in each County as aforesaid at the time of receiving the Parish Levy, shall demand of every Person paying the said Levy, a Certificate signed by some Magistrate in the said County, of the Number of Squirrels by him killed; which if he or she shall fail to produce, or pay the Penalty as aforesaid, then the Collector shall certify the same to the Church Wardens of the said Parish, who are hereby directed to take out a Warrant from some Magistrate for the Penalty aforesaid; and on recovery to apply the same towards lessening the Parish Tax; which said Collector or Church Wardens shall account with the Vestry, on Oath, for the same.

V. And be it further Enacted, by the Authority aforesaid, That this Act shall commence and be in Force on the First Day of March next, and continue in Force for and during the Term of Two Years, and from thence to the End of the Next Session of Assembly, and no longer.

CHAPTER XIX.

An Act for repealing An Act therein mentioned.

I. Whereas one Act of Assembly, intituled An Act for preserving Peace and continueing a good Correspondence with the Indians in Alliance with his Majesty's Subjects, has not procured the good effects hoped for, but on the contrary, is likely to alienate the Affections of the said Indians from the Inhabitants of this Province:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said recited Act, and every Clause and Article thereof, shall be from henceforth repealed, and made null and void.

CHAPTER XX.

An Act to relieve John Pope from a Judgement obtained against him, in favour of the Parishes of Edgecomb and St. Mary.

(Printed in Private Acts, *post.*)

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1759.

At a General Assembly, began and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four; and from thence continued, by several prorogations, to the Eighth Day of May, in the Year of our Lord One Thousand Seven Hundred and Fifty Nine, to be then held at New Bern: Being the Eighth Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for raising Money for finishing the Churches in the Parishes of St. James and St. Philip, in New Hanover County by a Lottery.
(Printed in Private Acts, *post.*)

CHAPTER II.

An Act to empower the Justices of Dobbs County to hear and determine all Causes commenced and undetermined in Johnston County Court before the Division of the said County.

I. Whereas by One Act of Assembly made and passed at Edenton, in the Year of our Lord One Thousand Seven Huundred and Fifty Eight, intituled, An Act for dividing the County of Johnston, and other Purposes, it is enacted, that from and after the Tenth Day of April, then next following, the said County of Johnston be divided by the dividing Line between the Parish of St. Patrick and the Parish of St. Stephen; and that that Part of the said County which was then the Parish of St. Stephen should remain, be called, and known by the Name of Johnston; and that that Part of the said County which was the Parish of St. Patrick be thenceforth erected into a distinct County, and called and known by the Name of Dobbs: And whereas there is not any Provision made in the said Act for the Trial of such Causes as were commenced in Johnston County (now called Dobbs County) Court, and undetermined on the said Tenth Day of April;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of Dobbs County Court shall and may, and they are hereby authorized, impowered and directed, to hear, try and determine all Causes which were pending in the said County Court of Johnston, and undetermined on the said Tenth Day of April, and to give Judgment, and award Execution thereupon, in the same manner, to all Intents and Purposes, as the Justices of Johnston County Court might or could have done if the said County had remained undivided; any Law, Usage, or Custom, to the contrary, notwithstanding.

Signed by

ARTHUR DOBBS, ESQ., Governor.

Matthew Rowan, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1759.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued, by several Prorogations, to the Twentieth Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty Nine, then held at Wilmington: Being the Ninth Session of this Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act to amend and continue an Act intituled, An Act for the better regulation of the Militia, and other purposes. Expunged.

CHAPTER II.

An Act for granting an Aid to his Majesty, for paying and subsisting the Forces and Militia now in the Pay of this Province, and for other Purposes.

(Omitted.)

CHAPTER III.

An Act for the Appointment of Vestries. Repealed.

CHAPTER IV.

An Act for erecting Part of the Counties of Chowan, Bertie, and Northampton, into a County and Parish.

I. Whereas the large Extent of the Counties of Chowan, Bertie and Northampton, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts of Justice, and other Public Meetings appointed therein: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of May next the said Counties be divided as follows, to-wit, Beginning in Bertie County, at the first high Land on the North West Side of Mare Branch, on Chowan River Pocason; running thence by a direct Line to Thomas Outlaw's Plantation, near Stoney Creek; thence by a direct Line to Northampton County Line, at the Plantation whereon James Rutland formerly lived; then along Northampton County Line to the Head of Beaver Dam Swamp; thence by a direct line to the Eastermost Part of Kerby's Creek; thence down the Creek to Meherrin River; then up Meherrin River to the Virginia Line; then Easterly along the Virginia Line to Bennet's Creek; then down Bennet's Creek to Chowan River; then across the River to the Mouth of the said Mare Branch; and up the Branch to the Beginning: And all that Part of the said Counties included within the said Bounds be thenceforth erected into a distinct County and Parish, and called and known by the Name of Hertford County, and Parish of St. Barnabas.

III. And be it further Enacted by the Authority aforesaid, That John Edwards, John Brown, and John Baker, Esquires, be appointed Commissioners; and they or any Two of them, are hereby impowered and directed to run the said dividing Lines between the said Counties, agreeable to the Directions in this Act before mentioned, and to return a fair Plan thereof to the Court of the said County of Hertford.

IV. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That after the aforesaid First Day of May, a Court for the said County of Hertford be constantly held by the Justices thereof at Cotton's Ferry, on the South Side of Chowan River, upon the Fourth Tuesdays in May, August, November, and February, in each and every Year, as by the Laws of this Province is provided, and shall be by Commission to the Justices of the said County directed.

V. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act all that Part of the Parish of North West as shall lie to the Westward of the aforesaid Counties of Bertie and Hertford, shall be added to, and united and consolidated with, the Parish of St. George in the said County of Northampton, and shall remain one entire Parish and be called and known by the Name the Parish of St. George.

VI. And be it further Enacted, by the Authority aforesaid, that nothing herein contained shall be construed to debar the Sheriffs of the Counties of Chowan, Bertie, and Northampton, as they respectively now stand undivided, to make Distress for any Levies, Fees, or other Dues, that shall be Due from the Inhabitants of the said Counties on the said First Day of May, in the same Manner as by Law the said Sheriffs might or could have done if the said Counties had remained undivided; and the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithstanding.

VII. And be it further Enacted, by the Authority aforesaid, That all Sums of Money which shall be owing, due, and belonging to the said Parish of North West, at the passing of this Act, shall be paid and satisfied to the Vestry of the Parish of St. George; and the said Parish of St. George shall stand chargeable to every Person and Persons whatsoever for all Demands they may respectively have on the said Parish of North West, at the Time aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That after the said First Day of May, the said County of Hertford shall be, continue, and remain Part of the District of Edenton; And the Sheriff of the said County of Hertford shall, from Time to Time, account for, and pay to the Public Treasurer of the Northern District for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner and under the like Pains and Penalties, as other Sheriffs.

IX. Provided always, That nothing herein contained shall be construed, deemed or taken, to alter or derogate from the Rights and Royal prerogative of his Majesty, his Heirs and Successors, of granting Letters of Incorporation to the said County, and of ordering, appointing, and directing the Election of a Member or Members to represent them in Assembly, and of granting Markets and Fairs to be kept and held in the said County; but that the said Right and Prerogative shall and may at all Times hereafter, be exercised therein by his Majesty, his Heirs or Successors, in as full and ample Manner to all Intents and Purposes whatsoever, as if this Act had never been made.

CHAPTER V.

An Act to amend an Act for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Persons intrusted with laying out Public Money, to apply and account for the same.

I. Whereas the continueing of Sheriffs long in Office, who do not regularly account for the Public Taxes they collect, is of great Detriment to the Province;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, no County Court shall recommend to the Governor any Person for his appointment to the Office of Sheriff who shall have served Two Years successively in the said Office, unless such Person shall produce a Certificate from the Treasurer of the District of his having fully accounted for and paid all the Public Taxes which he hath or ought to have received by Virtue of his said Office; And if any County Court shall recommend any such Person contrary to the true Intent and Meaning of this Act, it shall and may be Lawful for the Governor or Commander in Chief for the Time being, to appoint such other Person, qualified according to the Directions of the Before mentioned Act, as he shall think proper to that Office; any Law, Custom, or Usage to the contrary notwithstanding.

CHAPTER VI.

An Act to impower Lawrence Thompson, late Sheriff of Orange County, to collect and receive a Tax of Two Shillings, Proclamation Money, laid on the Taxable Persons in the County of Orange, by an Act of Assembly of this Province passed in the Thirtieth Year of the Reign of our Sovereign Lord George the Second, of Great Britain, France, and Ireland, King and so forth.

(Printed in Private Acts, *post.*)

CHAPTER VII.

An Act for enlarging the Time allowed for saving Lots in the Town of Halifax, preventing the Building Wooden Chimnies therein, and other purposes.

(Printed in Private Acts, *post.*)

CHAPTER VIII.

An Act to enable William Dry, Esq., to finish Fort Johnston, at the Mouth of Cape Fear River.

I. Whereas the safety and Preservation of that part of this Province called Cape Fear, greatly depends on the Speedy and effectual finishing the Fort at the Mouth of the said River, and the raising a Fund for that Purpose on the Tonage of all Ships and Vessels coming to the Port of Brunswick, as directed by an Act of Assembly of this Province, intituled, an Act to enable the Commissioners of Port Roanoke to amend the Navigation of the said Port, and for other Purposes, is attended with great Delay. And whereas William Dry, Esq., for and in consideration of the Sum of Two Thousand Nine Hundred Pounds Proclamation Money, hath undertaken to complet

and finish the said Fort, and all its necessary Appurtenances, in Two Years from the passing of this Act, conformable to the Proposals now laid before the General Assembly; and hath given Bond and Security to the Governor and Commander in Chief for the Time Being, in the Sum of Five Thousand Eight Hundred Pounds Proclamation Money, for the well and Faithful effecting the same.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said William Dry, his Heirs and Assigns, to take and receive, to his or their own use or behoof, of and from the Master of each and every Vessel (not owned in this Province) entered in the said Port of Brunswick, or any Port thereto belonging, in order to unlade goods and merchandise in her imported, or in order to take on board any goods, wares, or Merchandise whatsoever for Exporting out of the said Port of Brunswick, or Ports thereto belonging, the Sum of Two Shillings Proclamation Money for each and every Tons burthen the said Ship or Vessel may be of, until such Times as, with the Ballance now in his hands for Powder Money and Tonnage by him heretofore collected, he shall have received the full amount of Two Thousand Nine Hundred Pounds aforesaid exclusive of his Commissions, and no longer; provided that the said William Dry, shall within six Months after the passing of this Act, well and truly account for, upon Oath, with the Commissioners of Fort Johnston, for all Powder Money or Tonnage by him heretofore received; and shall upon Oath, account with the General Assembly for all Monies by him to be collected or received by Virtue of this Act.

III. And be it further Enacted by the Authority aforesaid, That the Tonnage of such Ship or Vessel shall be estimated by the Number of Barrels she may carry, allowing for each and every Ton Eight Barrels, or thirty One Gallons and a Half, and so in Proportion for other Goods.

IV. And be it further Enacted, by the Authority aforesaid, That every Clause, Matter or Thing, contained in any Act or Acts of Assembly, heretofore made, relative to a Duty on the Tonnage of Shipping, entering and lading or unlading at the said Port of Brunswick, or within the District thereof, is hereby repealed and made void to all Intents and Purposes whatsoever.

CHAPTER IX.

An Act to enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation, and other Purposes.

I. Whereas the Bar at Ocacock, and the Swatch leading up the Country, are very difficult and dangerous for vessels trading to Port Bath, and the River Neuse in Port Beaufort; and the Tax on Tonnage of Vessels for erecting Beacons and Stakes in the said Port and River, is greatly insufficient to defray the necessary Expence accruing therefrom:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, instead of the Powder and Lead Duty, payable in the said Port of Bath and Neuse River, the Receivers of the said Duty, for and during the Space of Four Years shall receive the same in Proclamation Money, at the rate of Two Shillings per Ton, for each and every Vessel that shall enter into the said Port of Bath and Neuse River; the Tonnage of which Vessels shall be ascertained agreeable to the Directions of an Act of Assembly intituled, An Act to amend and continue an Act intituled "An Act for granting unto his Majesty

a Duty upon the Tonnage of Ships and other Vessels coming into this Province for the purposes therein mentioned": Which Duty the said Receivers shall from Time to Time, after deducting Five per Centum, and no more for his Commissions, pay to the Order of the Commissioners of the said Port of Bath and Beaufort, to repay such Sums of Money as they or either of them, are or shall be in Advance, and the remainder shall be laid out in mending the Channel, and improving the same, in such Manner as they shall think most beneficial and serviceable for the Public; Provided nevertheless, that the said Commissioners shall, from Time to Time, out of the Money arising by the said Duty, supply Fort Granville with Three Fifths of the Ammunition necessary to be expended in the said Fort.

III. And whereas the Trade of Port Bath hath of late so decreased, that the Duty of Tonnage on Vessels has not been sufficient to defray its proportionable Part of the Expence of Navigation, whereby there is an Arrear due to the Commissioners of the said Port; and there being a large surplus of Powder and Lead now in the Hands of the Receiver of the said Port, more than is sufficient to supply its Proportion for Fort Granville; Be it Enacted by the Authority aforesaid, That the Receiver of the said Port of Bath after the passing of this Act, shall forthwith deliver to the Commissioners of the said Port, all such Powder and Lead as he has received; and they are hereby directed to sell the same at Public Vendue (reserving for Fort Granville as aforesaid) and to apply the Money arising by such Sale towards paying such Arrears, and defraying the Expence of Navigation.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners when required, shall lay an Account of their Proceedings, Transactions, and Disbursements, before the General Assembly.

CHAPTER X.

An Act to empower and direct the Commissioners of the Districts herein-after mentioned, to lay out and make new Roads.

(Printed in Private Acts, *post.*)

CHAPTER XI.

An Act to establish Warehouses for the Inspection of Tobacco in the County of Dobbs; and other Purposes.

I. Whereas establishing Warehouses for the Public Inspection of Tobacco in the County of Dobbs, will encourage Commerce, promote the Navigation of Neuse River, and be advantageous to many Planters and others in the said County:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of the said County of Dobbs shall, and they are hereby empowered and directed, to cause to be built and erected Warehouses and other Conveniences fit and Necessary for the Reception, Inspection, and safekeeping of Tobacco, at the several Places hereinafter mentioned; that is to say, At Atkin's Banks, on the Land of William Herriage, and at Contentnea on the Land of Abraham Shepherd, both under one Inspection; and at Fellow's Ferry, on the Land of Robert Fellow; And the said Warehouses when so built and erected, shall and they are hereby declared to be Public Warehouses and proper Places for the Reception, and Public Inspection of Tobacco.

III. And be it further Enacted, by the Authority aforesaid, That the Jus-

tices of the said County of Dobbs shall, from Time to Time, appoint Inspectors to attend the said Inspections, and to direct and order how the said Inspectors shall give their attendance at the said Inspections respectively; and the said Inspectors shall be under the same Regulations, Rules and Restrictions, and intituled to the same Emoluments, as are by Law appointed for Inspectors of Tobacco in this Province.

IV. And be it further Enacted, by the Authority aforesaid, That there shall be paid Yearly to the several Inspectors attending the said Inspections, the following Sums, to-wit, to the Inspectors attending at Atkin's Banks, and at Contentnea, Twelve Pounds Proclamation Money, each; and to the Inspectors attending at Fellow's Ferry, Eight Pounds, like Money, each for their respective Salaries.

V. And whereas the Public Warehouse at Buxton's, in Northampton County, is situated at a place inconvenient for the Inhabitants of the said County and also is much out of Repair; Be it further Enacted, by the Authority aforesaid, That the said Warehouse shall be discontinued; and the Justices of the said County of Northampton shall, and are hereby required, to cause a Warehouse to be erected and built on the Land of Thomas Pace, on Roanoke River, in the said County, and appoint Inspectors to attend the same; Which Warehouse, when erected, shall be deemed a Public Warehouse; and the Inspectors appointed to attend the same, shall be under the same Rules, Regulations and Restrictions, as other Inspectors of Tobacco in this Province; and the Warehouse when erected, and the Warehouses in the said County, commonly called Jones's Warehouses, shall be under one Inspection.

VI. And whereas by one clause of an Act of Assembly passed in the Thirty-first Year of his Present Majesty's Reign, intituled, An Act for further amending the Act, intituled "An Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs"; the selling and bartering Tobacco before the same hath been viewed and inspected, is prohibited under the Penalty of Twenty Shillings, Proclamation Money, for every Hundred Weight, and so proportionably for a greater or less Quantity; which hath been found to be inconvenient; Be it therefore further Enacted, by the Authority aforesaid, That the said Clause of the said recited Act, from and after the passing of this Act, shall be and is hereby repealed.

VII. And be it further Enacted, by the Authority aforesaid, That so much of the afore-recited Act as is not hereby repealed, one other Act, intituled An Act to restrain the Exportation of Bad and unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs; one other Act, intituled An Act to amend An Act, intituled, "An Act to restrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs"; and one other Act intituled An Act for establishing a Warehouse for the Inspection of Tobacco, on the Land of Thomas Barnes, in the County of Halifax, and other Purposes; and all the Powers and Authorities in them respectively mentioned, shall remain and continue in Force until the First Day of March, in the Year of our Lord One Thousand Seven Hundred and Sixty Five, and from thence to the End of the next Session of Assembly; any Thing in the said Acts contained to the contrary notwithstanding.

CHAPTER XII.

An Act for appointing Commissioners to finish the Court House already begun in the Town of New Bern, and for other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER XIII.

An Act for establishing a Town on the land formerly granted to William Churton, Gentleman, lying on the North Side of the River Enoe, in the County of Orange.

(Printed in Private Acts, *post.*)

CHAPTER XIV.

An Act to amend An Act intituled An Act for building and maintaining of Court-houses, Prison and Stocks, in every County within this Province, and appointing Rules for each County Prison for Debtors.

I. Whereas by one Act of Assembly passed in the Fifteenth Year of his present Majesty, intituled, An Act for building and maintaining of Court-Houses, Prisons and Stocks, in every County within this Province, and appointing Rules for each County Prison for Debtors, it is, among other Things, Enacted, That every Person Committed to Gaol (not for Treason or Felony) upon giving Bond and Security to the Sheriff of the County, may have the Liberty of the Rules of the Prison to which he is committed; which indulgence hath been greatly abused:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all and every Bond or Bonds which shall hereafter be given in pursuance of the said Act by any Person or Persons committed on a Capias ad Satisfaciendum, shall by the Sheriff taking the same, be assigned by the Party whose Instance such Person or Persons was or were committed to Gaol, and shall be returned to the Office of the Clerk of the Court from whence such Execution issued, there to be safely kept, and shall have the force of a Judgment; and if any Person who shall obtain the Rules of any Prison, upon giving Bond and Security as aforesaid shall escape out of the same before he shall have paid the Debt, or Damages and Costs, according to the Condition of such Bond, it shall be lawful, and full power and Authority is hereby given to the Court where such Bond is Lodged, upon Motion of the Party for whom such Execution issued, to award Execution against such Person and his Securities, for the Debt, or Damages and Costs, with Interest, to be computed from the Time of such Escape till Payment: And No Person or Persons whatsoever, who shall be committed to Gaol on any such Execution, shall have or be allowed the Rules of any Prison, but shall be kept in safe custody in the prison, to which he or they shall be committed, until the whole Debt or Damages, with Interest and Costs, shall be fully paid and satisfied: Anything in the said Act contained to the contrary notwithstanding.

III. Provided always, That such Obligor shall have Ten Days previous Notice of such Motion in Writing, and the Obligors, in such Case, shall not be admitted to plead Non est Factum, in their Defense, unless they shall, by affidavit, prove the Truth of such Plea.

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1760.

At an Assembly, began and held at New Bern, the Twenty Fourth Day of April, in the Thirty Third Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland, King, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty. being the first Session of this present Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act to establish Inferior Courts of Pleas and Quarter Sessions, in the several Counties in this Province. Rep.

CHAPTER II.

An Act for the better Care of Orphans, and Security and Management of their Estates. Rep.

CHAPTER III.

An Act directing the Method of appointing Jurymen in all Causes, Criminal and Civil. Expunged.

CHAPTER IV.

An Act for establishing Vestries. Rep.

CHAPTER V.

An Act for making Provision for an Orthodox Clergy. Rep.

CHAPTER VI.

An Act to amend and improve the Navigation from Howard's Bay in New River, in Onslow County, to Bear Inlet.

I. Whereas the Trade and Commerce of the said County of Onslow, will be greatly encouraged, increased, and benefited, if the Navigation from Howard's Bay in New River to Bear Inlet, was amended and improved, which may be affected at a small Expence, so that loaden Pettiaguas and other Boats of Fifty Barrels Burthen or upwards, may pass and repass from the said River to the Inlet aforesaid:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the same, That Richard Ward, Stephen Lee, and John Melton, and the Majority of them, be, and they are hereby commissioned, authorized, and appointed, to contract and agree with such Person or Persons as shall be willing to undertake the same, for any Sum or Sums not exceeding One Hundred and Twenty Pounds Proclamation

Money, to amend the said Navigation in Manner aforesaid, from Howard's Bay in New River to Bear Inlet.

III. And for enabling the said Commissioners to pay such Sum or Sums of Money as they, or the Majority of them, shall contract or agree to pay such Person or Persons as shall undertake to amend the said Navigation as aforesaid; Be it Enacted, by the Authority Aforesaid, That the Receiver of the Duty on the Tonnage of Vessels coming into Onslow County, appointed by Virtue of the Act of Assembly of this Province, intituled, An Act for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province for the Purposes therein mentioned, shall sell at Public Vendue so much of the Powder and Lead by him received in Pursuance of the aforesaid Act, (not exceeding One Hundred and Twenty Pounds Proclamation Money in Value) as shall be sufficient to pay and discharge such Sum or Sums of Money as shall be contracted by the said Commissioners, to be paid to such Person or Persons as they, or the Majority of them, shall agree with and employ to amend and prove the said Navigation; and the Money arising by such Sale, shall be paid by the aforesaid Receiver to the said Commissioners, or the Majority of them, and shall be by them applied for amending the aforesaid Navigation.

IV. And be it further Enacted, by the Authority aforesaid, That if the Powder and Lead in the Hands of the said Receivers shall not amount to a sufficient Sum, on being sold at Vendue as aforesaid, to pay and discharge such Contracts or Agreements, not exceeding One Hundred and Twenty Pounds, which shall be made by the Commissioners aforesaid, with any Person or Persons for amending and improving the Navigation aforesaid, the Justices of the Court of the said County of Onslow shall pay, or cause to be paid to the Commissioners aforesaid, or the Majority of them, out of the County Tax, such Sum or Sums of money as shall, with the Money arising by the Sale of the Powder and Lead aforesaid, be sufficient to discharge such Contract or Contracts made by the said Commissioners, or the Majority of them, as aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, as often as required, shall account with the General Assembly for such Money as shall be by them respectively received by Virtue of this Act.

CHAPTER VII.

An Act to confirm an Agreement made by the present Church Wardens and Vestry of Edgecomb Parish, in the County of Halifax, with the Rev. Mr. Thomas Burgess.

I. Whereas by Virtue of an Act of Assembly, passed at Edenton the Twenty-Third Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, intituled, An Act for making better provision for the Clergy, the Church Wardens and Vestry of the Parish of Edgecomb, in the County of Halifax, did agree with the Rev. Thomas Burgess, in October last, to give and pay him the Sum of One Hundred Pounds Proclamation Money, per Annum, to officiate in the aforesaid Parish, by performing Divine Service at the Church and Chappels or elsewhere in the said Parish, as should be required by the said Vestry, and perform every other Duty in the said Parish which to the Office or Minister of the Church of England belongs; and also to pay the said Thomas Burgess Twenty Pounds, Proclamation Money, in lieu of a Glebe, including in the whole One Hundred and Twenty Pounds

Proclamation Money; in Consideration of which, the said Thomas Burgess covenanted to perform Divine Service at the Church and Chappels in the aforesaid Parish, or elsewhere in the said Parish as he should be directed or required by the aforesaid Vestry or their Successors; in Consequence of which said agreement the aforesaid Thomas Burgess hath officiated and performed Divine Service in the Church and Chappels within the said Parish, from the Time of the Agreement aforesaid, to the approbation of the Vestry and other Parishioners: Therefore,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Contract so made by and between the said Thomas Burgess and the said Church Wardens and Vestry of the Parish of Edgecomb aforesaid is hereby confirmed, and shall be good and valid in Law, and shall be binding to all Intents and Purposes, as well on the said Thomas Burgess as on the said Church Wardens and Vestry of the said Parish, for and during the natural Life of the said Thomas Burgess, or the Time the said Thomas Burgess shall continue to be Minister thereof.

CHAPTER VIII.

An Act for enlarging the Time for Inspection of Tobacco in the Public Warehouse in the Town of Halifax; for increasing the Salaries of the Inspectors of the said Warehouse; for establishing Warehouses in the County of Cumberland; and other Purposes therein mentioned.

I. Whereas it has been represented to this Assembly, that by Reason of the great Quantities of Tobacco brought to the Inspections at the Town of Halifax in the County of Halifax, the Inspectors officiating at the said Inspection cannot discharge the Duty of their Office within the Time limited by the former Acts of Assembly of this Province:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of June next, the Inspectors of Tobacco for the aforesaid Warehouse, shall constantly attend the said Warehouse, from the First Day of October next ensuing, until the last Day of July following, and so yearly from the First Day of October, until the last Day of July, (Sundays and Holidays, or when hindered by Sick-ness, excepted) and shall receive and inspect all Tobaccos brought to the said Warehouse within the time limited as aforesaid, under the same Rules and Restrictions, and the like Pains and Penalties, as by the former Act of Assembly of this Province are inflicted and directed; and that the said Inspectors, for their service in attending the Inspection, shall be paid the sum of Forty Pounds Proclamation Money each, Annually, instead of the Salaries by the former Acts of Assembly specified.

III. And whereas the Warehouse first erected has been found to be too small for the reception of the Tobaccos brought to the said Inspection, and great Part thereof has been exposed to the Injuries of the Weather for Want of sufficient House-Room to secure the same, to the great Damage of the Planters; and for Prevention of the like for the future, it has been thought requisite and necessary by the Justices of the said County, that one other Warehouse should be erected and built on the Lots assigned for the Purposes aforesaid, which accordingly has been done, but the said Justices by the Repeal of the Laws of this Province are rendered incapable of levying a Tax on the Inhabitants of the said County for the Payment of the Money stipulated and agreed to be paid for the building the same; and it may yet be necessary to make additional Buildings on the Lots aforesaid to answer

the Intention of the before recited Act: Be it therefore Enacted, by the Authority aforesaid, That the Inferior Court of Pleas and Quarter Sessions shall have full Power and Authority, and they are hereby required to lay a Poll Tax on every Taxable Person in the said County, as well for paying and satisfying the Money already due and owing for the Building of the new Warehouse aforesaid, as for the erecting and building such other necessary Houses as shall be by the said Justices thought requisite, to answer the Purposes aforesaid; which said Tax the Sheriff is hereby authorized and required to collect, in the same Manner as other Taxes are by law to be collected, and pay the same to the Court or their Order.

IV. And whereas it hath been found, by Experience, that the Method now established by Law of appointing Inspectors is very deficient in answering the Purposes of the said Act, in Case any Inspector, thro' Death, Sickness, or other Inability, shall be unable to discharge the Duties of his Office; Be it therefore Enacted, That it shall and may be lawful for any Magistrate of the said County upon Application made to him, to issue a Summons to any Two Justices of the said County, who, together with himself or any Two of them, shall, and they are hereby authorized and required, to nominate and appoint one other Person to officiate as Inspector in the Room of the Inspector so dead or disabled as aforesaid; which said Inspector shall be under the like Rules and Restrictions as other Inspectors appointed by the Court; which said Inspector shall continue to execute the said Office until the Court of the said County shall nominate and appoint one other instead of the Inspector deceased, or the Inability is removed; which said Inspector so appointed shall be intitled to a proportionable Part of the Salary by Law specified for such Inspectors according to the time they shall act therein.

V. And whereas establishing Warehouses for the Public Inspection of Tobacco in the County of Cumberland, will tend to the Encouragement of many Planters, and promote Trade; Be it therefore further Enacted, by the Authority aforesaid, That the Justices of the said County of Cumberland shall, and are hereby empowered and required, to cause to be erected and built, Warehouses and other Conveniences fit and necessary for the Reception, Inspection, and Safe-keeping of Tobacco, on Joseph Leviston's Land on the North East side of the North West Branch of Cape Fear River; and on the Land of John McPherson, on the Opposite Side of the said River; and the said Warehouses, when so built, shall be Public Warehouses for the Reception and Inspection of Tobacco.

VI. And be it further Enacted by the Authority aforesaid, That the said Warehouses shall be both under one Inspection; and the Justices of the said County of Cumberland shall, and are hereby empowered and directed, from Time to Time, to appoint Inspectors to attend the said Inspection, and to direct and order how the said Inspectors shall give their Attendance at the same; and the said Inspectors shall be under the same Rules, Regulations and restrictions, and subject to the same Pains and Penalties, and intitled to the same Emoluments, as are by the Laws of this Province appointed for other Inspectors of tobacco.

VII. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County shall and may levy such a Poll Tax on the Taxable Persons within the said County, as shall be necessary for defraying the Expence of Building the said Warehouses and other Conveniences; which shall be collected by the Sheriff of the said County, in like Manner as Public Taxes are collected, and accounted for to the Court.

VIII. And be it further Enacted, by the Authority aforesaid, That the

Inspectors attending the said Inspection shall be allowed the Annual Salary of Eight Pounds Proclamation each.

IX. And whereas by Reason of the great Quantities of Tobacco brought to Howell's Warehouse, in Edgecomb County; to Jones's and Pace's Warehouses, in Northampton County; to Kahukee, and to Barnes's Warehouses, in Halifax County, and to the Warehouses in Edenton, the Inspectors officiating at the same are obliged to a more constant Attendance than formerly; and the Salary by Law allowed them is not adequate to the Service they perform; Be it therefore further Enacted, by the Authority aforesaid, That the Inspectors respectively officiating at Jones's and Pace's Warehouses, shall have and receive the Sum of Twenty-five Pounds; the Inspectors officiating at Kahukee and Barnes's Warehouses, the Sum of Twenty Pounds; the Inspectors attending at Howell's Warehouse, the Sum of Fifteen Pounds; and the Inspectors attending the Warehouses in Edenton, Fifteen Pounds, Proclamation Money each, instead of the Salaries now by Law allowed them.

X. And be it further Enacted, by the Authority aforesaid, That the Inspectors officiating at the Warehouse in Edenton, shall hereafter constantly attend at the said Inspection, at the same Times, and be in all Respects under the same Regulations, as the Inspectors officiating at the Town of Halifax.

XI. And be it further Enacted, by the Authority aforesaid, That the Salary which by Law is appointed to be paid to the Inspectors who officiate at the Warehouses at Pitch Landing in the said County of Northampton, henceforth shall be discontinued and cease; and the said Inspectors, from and after the Passing of this Act, instead thereof shall and may take and receive to their own Use, Three Shillings Proclamation Money, for each Hogshead of Crop Tobacco, and Five Shillings like Money for every Hogshead Transfer Tobacco, which shall be Inspected at the said Inspection, and which at present is by Law directed to be paid to the Use of the County by the Exporter thereof; any Law or Usage to the contrary notwithstanding.

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1760.

At an Assembly, begun and held at New Bern, the Twenty-fourth Day of April, in the Thirty-Third Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, &c.. and from thence continued, by Prorogation, to the Twenty-Sixth Day of May, in the Year of our Lord One Thousand Seven Hundred and Sixty: being the Second Session of this present Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for establishing Superior Courts of Pleas and Grand Sessions and regulating the Proceedings therein. Repealed.

CHAPTER II.

An Act for repealing An Act therein mentioned.

I. Whereas an Act of Assembly, intituled, An Act to prevent malignant and infectious Distempers being spread by Shipping, importing Distempered Persons into this Province, and other Purposes, has been represented by the Petition of Sundry Merchants and others, and is found by universal Experience, to be greatly Prejudicial to the Commercial Interest within this Province:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said recited Act, and each and every Clause therein, be, and is henceforth repealed, and declared null and void.

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1760.

At an Assembly, begun and held at New Bern, the Twenty Fourth Day of April, in the Thirty third Year of the Reign of our Sovereign Lord George the second, by the Grace of God, of Great Britain, France and Ireland, King, &c., and from thence continued, by several Prorogations, to the Twenty Sixth Day of June, in the Year of our Lord One Thousand Seven Hundred and Sixty; to be then held at Wilmington: Being the Third Session of this present Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for granting an aid to his Majesty.

(First six clauses omitted, as they have had their effect.)

VII. And whereas there is not Money in the Public Treasury to answer the Purposes aforesaid, and the reduced State of the Province renders it impracticable to raise the same by an immediate Poll-tax; Be it Enacted by the Authority aforesaid, That the Hon. John Swann, and Lewis De Rossett, Esqrs., and Samuel Swann and John Starkey, Esqrs., are hereby authorized, empowered and required, to stamp or print and make out or cause to be stamped or be printed, and also to sign with their Hands, Public Bills of Credit, to the Amount of Twelve Thousand Pounds, at the Rate of Proclamation Money, That is to say, One Thousand of Three Pounds, One Thousand of Two Pounds, One Thousand of Thirty Shillings, Two Thousand of One Pound, Two Thousand Three Hundred of Ten Shillings, Four Thousand of Five Shillings, Five Thousand of Two Shillings, and Eight Pence, Twenty Five Hundred of Two Shillings, Four Thousand of One Shilling, Four Thousand Five Hundred of Eight Pence, Two Thousand of Six Pence, and Two Thousand of Four Pence, each; and shall receive for stamping or printing and making out, and signing the same, Two per Cent., and no more: And that the aforesaid John Swann, Lewis De Rossett, Samuel Swann, and John Starkey, shall, before they stamp, print, or sign, any of the said Public Bills of Credit, give their respective Bonds, with sufficient Security, to our Sovereign Lord, the King, his Heirs and Successors, for the Use of the Province, in the Sum of Twelve Thousand Pounds each, for the Faithful Discharge of the Trust in them reposed by this Act; which Bonds shall be lodged in the Secretary's Office.

VIII. And be it further Enacted, by the Authority aforesaid, That the said Bills of Credit, when so stamped or printed and signed as aforesaid, shall be delivered into the Public Treasury of this Province, that is to say, Six Thousand Pounds thereof to John Starkey, Public Treasurer of the Southern District, and the other Six Thousand Pounds to Thomas Barker, Public Treasurer of the Northern District, and shall be applied to the Uses and Purposes by this Act directed.

IX. And be it further Enacted, by the Authority aforesaid, That the said Bills of Credit shall be current, and a Lawful Tender in all Payments whatsoever, as Proclamation Money.

X. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurers, when directed, until the Sum of Seven Thousand Pounds, by this Act granted for raising, paying and subsisting the Companies aforesaid, shall be fully paid, shall make Payment in the said Bills of Credit

to such Person or Persons as the Governor; or Commander in Chief, by his Warrant or Warrants, shall order and appoint to receive the same.

XI. And be it further Enacted, by the Authority aforesaid, That the Person or Persons who shall receive the said sum of Seven Thousand Pounds, or any Part thereof, by Virtue of any Warrant or Warrants, shall account with the General Assembly for the same; And every such Person or Persons, before receiving the said Money, shall enter into Bond, with good and Sufficient Security, to his Majesty, his Heirs and Successors, in double the Sum he shall so receive; with Condition that he will account with the General Assembly for the Sum or Sums he shall receive from the said Treasurers or either of them, by Virtue of such Warrant; which Bond shall be taken by, and lodged with the Treasurer who pays such Money; And in case of a Breach of the Condition thereof, may be put in Suit, and a Judgment being obtained thereon, the Money recovered shall be applied towards defraying the Contingent Charges of Government, in such Manner as the General Assembly shall direct, and to no other Use whatsoever.

XII. And be it further Enacted, by the Authority aforesaid, That the said Sum of Seven Thousand Pounds shall, by the Direction of the Governor or Commander in Chief for the Time being, be applied to the particular Purposes by this Act hereinbefore Directed, if necessary; but if a less Sum shall be found sufficient for the same, the Surplus shall be applied towards defraying the Contingent Charges of Government, already allowed, or which shall hereafter be allowed, by the General Assembly, and to no other Purpose whatsoever.

XIII. And for the greater Encouragement of Persons as shall enlist voluntarily to serve in the said Companies, and other Inhabitants of this Province who shall undertake any Expedition against the Cherokees, and other Indians in Alliance with the French; Be it further Enacted, by the Authority aforesaid, That each of the said Indians who shall be taken a Captive during the present War by any Person as aforesaid, shall, and is hereby declared to be a Slave, and the Absolute Right and Property of who shall be the Captor of such Indian; and shall and may be possessed, pass, go and remain to such Captor, his Executors, Administrators, and Assigns, as a Chattel personal; And if any Person or Persons, inhabitant or Inhabitants of this province, not in actual Pay, shall kill an Enemy Indian or Indians, he or they, shall have and receive Ten Pounds for each and every Indian he or they shall so kill; and any Person or Persons who shall be in the actual Pay of this Province, shall have and receive Five Pounds for every Enemy, Indian or Indians he or they shall so kill, to be paid out of the Treasury; any Law, Usage or Custom, to the contrary, notwithstanding.

XIV. Provided always, That any Person claiming the said Reward, before he be allowed or paid the same, shall produce to the Assembly the Scalp of every Indian so killed, and make Oath, or otherwise prove that he was the Person who killed, or was present at the killing the Indian whose Scalp shall be so produced; and that he hath not before had or received any allowance from the Public for the same; And as a further Encouragement, shall also have, and keep to his or their own Use or Uses, all Plunder taken out of the Possession of any Enemy Indian or Indians, or within Twenty Miles of any of the Cherokee Towns, or any Indian Town at War with any of his Majesty's Subjects.

XV. And be it further Enacted, by the Authority aforesaid, That Two Thousand Pounds of the Remainder of the aforesaid Twelve Thousand Pounds, shall be, and is hereby appropriated, to and for the Payment of the aforesaid Rewards to such Person and Persons as, by killing any of the

aforesaid Indians, shall be intitled to receive the same; but if a less Sum shall be found sufficient for the said Purpose, the Surplus shall be applied towards paying the several Creditors of the Public such Claims as already have been, or shall be allowed by the General Assembly, and to any other Purpose: And the Residue of the said Twelve Thousand Pounds is hereby appropriation to and for the Payment of the Debts of the Public, chargeable on the Contingent Fund, and shall not be otherwise applied.

XVI. And be it further Enacted, by the Authority aforesaid, That if any Person shall forge or counterfeit any of the said Bills of Credit, or shall pass or utter the same in Payment or Exchange, knowing the same to be forged or counterfeited, the Offender therein, being Lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without the Benefit of Clergy.

XVII. And for redeeming the said Public Bills of Credit, Be it Enacted by the Authority aforesaid, That a Poll-Tax of One Shilling be laid on every Taxable Person within this Province, to commence on the First Day of January, One Thousand Seven Hundred and Sixty Three, and to continue until the whole Sum to be emitted by this Act shall be paid in and burnt; which said Tax shall be collected by the Sheriffs of the several Counties, and accounted for and paid to the Treasurers of the several Districts, in the same Manner and under the like Penalties, as are by Law Directed for the collecting, accounting for, and paying other Public Taxes.

CHAPTER II.

An Act for Appointing a Militia.

I. Whereas it requires a Militia to be appointed, for the Defense of the Country, at this critical Juncture;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Freemen and Servants within this Province, between the Age of Sixteen and Sixty, shall compose the Militia thereof; and that the several Captains of the same, shall enroll the Names of all such Freemen and Servants of which their several Companies consist; and shall, at their respective General Musters, return a Copy thereof to the Colonel of their respective Regiments, under the Penalty of Five Pounds Proclamation Mony; to be levied by a Warrant from the Colonel of the Regiment, directed to the Sheriff of the County to which the said Regiment shall belong: which Sheriff shall be paid, out of the said Penalty, the Sum of Twenty Shillings; And in Case any Sheriff shall neglect or refuse to serve such Warrant, he shall forfeit and pay the Sum of Five Pounds; to be recovered by Action of Debt, in any Court of Record, and to be applied as hereinafter directed; which copy so returned, shall by every Colonel, be returned to the Governor or Commander in Chief for the Time being, under the like Penalty; And that all Persons after being so Enrolled, who shall at any Time (unless rendered incapable by sickness or other Accident) neglect or refuse, when called upon, to appear at such Times and Places where ordered by the Colonel or Commanding Officer, there to be mustered, trained, and exercised in Arms, and be provided with a well-fixed Gun, shall forfeit and Pay, if at a private Muster, Six Shillings, if at a general Muster Ten Shillings; and shall also be provided with a Cartouch-Box, a Sword, Cutlass or Hanger, and have at least Nine Charges of Powder (made into Cartridges) and sizable Bullets or Swan Shot, and Three spare-flints, a Worm, and Picker, under the Penalty, if at a private Muster, the Sum of Three Shillings, if at a General Muster Five Shillings; to be levied by a Warrant from the Captain of the

Company, directed to the Sergeant of the same who shall make a Return thereof to the Captain; which Sergeant shall deduct Two shillings for every Fine so levied; And in Case such Sergeant or Sergeants shall neglect or refuse to serve any Warrant or Warrants to him or them so directed, he or they, for such neglect or refusal, shall be fined Forty Shillings; to be recovered by a Warrant from the Captain, directed to any other Sergeant, under the same Penalty; to be accounted for and applied as other Fines in this Act directed.

III. Provided always, That every Absentee shall be allowed till the next succeeding Muster to make his Excuse, before the Captain shall issue his Warrant unless against such Defaulters, as he may suspect are about removing themselves out of the County; in which Case, it shall and may be lawful for the Captain to issue a Summons, to cause such suspected Person to appear before him to make his Excuse for such Absence; and upon hearing the same, or upon the Person's refusing to obey such Summons, the Captain shall then proceed as to him shall seem just; And every Person that shall be Fined by Virtue of this Act, and shall think himself injured by his Officers may appeal to the next Court Martial, first giving Security to appear and abide by the Judgment of the said Court; and if Judgment shall be against him, that he will then and there pay the Fine, with Two Shillings Costs.

IV. Provided also, That no Member of his Majesty's Council, no Member of the Assembly, no Minister of the Church of England, no Presbyterian Minister regularly called to any Congregation in this Province, no Justice of the Superior Courts, Secretary, Practising Attorney, no Man who has bore a military Commission as high as that of a Captain, or Commissioned Officer who has served in the Army, no Justice of the Peace, no Clerks of the Court of Justice, practising Physician, Surgeon, Ferryman, Overseer, having the Care of Six Slaves, Inspectors or Public Millers, shall be obliged to inlist themselves, or appear at such Musters.

V. And be it further Enacted, by the Authority aforesaid, That if the Captain, Lieutenant, or Ensign, or any Two of them shall adjudge any Person or Persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with the Arms, Ammunition, and Accoutrements, required by this Act, every such Person shall be exempt from the Fines and Forfeitures imposed by Virtue of this Act until such Arms, Ammunition, and Accoutrements, shall be provided for and delivered him by the Court Martial; to be paid for out of the Fines already collected, and that may hereafter be collected.

VI. And be it further Enacted by the Authority aforesaid, That the Captain of every Company within this Province, shall and they are hereby required, to choose a Clerk, Three Sergeants, Three Corporals, and a Drummer, for the said Company; Which said Clerk shall give his Attendance, with his Sword by his side, on every Muster Day, and call over the Roll of the Company, and take Notice of the Persons who are absent on each of the said Muster Days and return upon Oath, a true List of the Absentees to his Captain; and shall also before the Company, proceed to their Exercise, read distinctly, and with an Audible Voice, at the Head of his Company, this Act; and if the Clerk, Sergeants or Corporals, or any of them so chosen, shall refuse to act in the Office he is appointed to, he shall forfeit and pay the Sum of Forty Shillings.

VII. And be it further Enacted, by the Authority aforesaid, That in Case of any Insurrection within this Province, or Invasion, it shall and may be lawful for the Governor or Commander in Chief for the Time being, or any Field Officer by him directed, to raise all or so many of the Militia as shall

be thought necessary for opposing such Insurrection or Invasion; and the Militia so raised, shall perform such Duty or Service as they shall be required to do by their Commanding Officer; and it is hereby required and directed, that the said Militia shall appear furnished with Arms, Ammunition, and Accoutrements as aforesaid.

VIII. And be it further Enacted by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or Alarm given, to appear at such Times and Places as shall be appointed by his Captain or other officer, shall forfeit and pay Ten Pounds, Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer for that Service, directed to the Sheriff of the County where the Offender resides; And such Sheriff, who is hereby required and directed to execute the same, shall for every Neglect or Refusal, forfeit and pay the Sum of Ten Pounds, Proclamation Money, to be recovered by Action of Debt, in any Court of Record in this Province. And any Person who shall refuse to march against the Enemy, when commanded, or refuse or neglect to do his Duty, or perform the Service he is put upon by such Captain or other Officer, or shall quit his Post, desert his Colors, or Mutiny; it shall and may be lawful for One Field Officer, or more, Four Captains, Four Lieutenants, and Four Ensigns, or the Majority of them openly to hold a Court Martial; first taking the following Oath:

You shall swear, well and truly to try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King and the Prisoner to be tried. So help you God.

And on Trial and Conviction, to punish the Offender according to Law, as the Nature of the Offense may require; (Death excepted) and for want of such number of Officers to compleat a Court Martial, the offender shall be kept under a Guard until such Time as there are a sufficient Number to hold a Court Martial as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That the Private Men, when on Duty, and in the Actual Service of their Country, more than Six Days, shall be allowed One Shilling per Day, each.

X. And be it further Enacted by the Authority aforesaid, That every Captain of a Company shall, twice within Six Months, at such Times and Places within their several Districts as their respective Colonels shall appoint, muster his Company, and see that every Soldier in his said Company be furnished with such Arms, Ammunition and Accoutrements, as in and by this Act is directed; under the Penalty of Five Pounds for each Muster he shall neglect; to be levied by Warrant from the Colonel or Commanding Officer of the County; and to be applied as by this Act is directed; and that each and every Company shall consist of not less than Fifty Men exclusive of Officers.

XI. And be it further Enacted, by the Authority aforesaid, That all Officers of the Militia shall be resident in the County for which they are appointed Officers.

XII. And be it further Enacted, by the Authority aforesaid, That if any Soldier shall, during the Time of Muster, resist his Commanding Officer, or refuse his lawful Commands; such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels, not exceeding Fifteen Minutes, picqueted, or ride the Wooden Horse; and if any Officer or Soldier shall refuse to carry such Commands into Execution, he or they so offending, shall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field Officer in the Regiment, and applied as other Fines mentioned in this Act.

XIII. And be it further Enacted, by the Authority aforesaid, That if any Number of Men, not less than Thirty, nor exceeding Sixty, including Officers

belonging to any of the Regiments within this Province, shall desire to form themselves into a Troop of Horse; it shall and may be lawful for such Persons, by and with the assent of the Colonel of the Regiment, to form themselves into a Troop, and give a List of their Names to the Colonel, who shall forthwith return the same, under his Hand and Seal, to the Governor or Commander in Chief of this Province for the time being and it shall and may be lawful for the said Governor or Commander in Chief to appoint and Commissionate a Captain, Lieutenant and Cornet, to the said Troop; and when the Commanding Officers of the said Troop are ready, and shall exercise the said Troop, and not before the persons so enrolled in the said Troop shall be, and are exempt from their Service in the Foot Companies; and the Officers and private Men of the said Troop, shall afterwards be subject to muster as many Times, as well with Regard to private Musters as to the General Muster of the County and under the same Penalties as in and by this Act before directed for the Foot to muster.

XIV. And be it further Enacted, by the Authority aforesaid, That every Trooper shall be provided with a good, serviceable Horse, not less than Fourteen Hands high, with a good Bridle, Saddle, Holsters, Housing, Breast-Plate and Crupper, a Case of good Pistols, a good Broad Sword, Twelve Charges of Powder, Twelve sizeable Bullets, a Pair of Shoe-Boots, with suitable Spurs, and a Carbine well fixed, with a good Belt, Swivel and Bucket.

XV. And be it further Enacted, by the Authority aforesaid, That the Colonels of each and every Regiment shall, once within Five Months, cause a general Muster to be made of their respective Regiments, at such Times and Places within the several Counties as they shall think proper to appoint; which if any of them shall fail or neglect to do, and fail to appear at such Musters, (sickness or accident excepted) he or they so offending, shall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; one-half thereof to such Person who shall sue for the same, and the other Half to be applied as other Fines in this Act directed.

XVI. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Field Officers and Captains of every County, or the Major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, shall be One; and they are hereby required to meet at the Court House or Place of general Muster of their Counties respectively, on the Day next following the respective General Muster which shall be in their Counties, then and there to hold a Court Martial; Which said Court shall have full power to enquire into the Age and abilities of all Persons inlisted, and to exempt such as they shall judge incapable of Service, and of all Neglects and Omissions, as well by any Officer as Delinquent; and to hear and determine all appeals which shall be made to the Court from any Officer or Soldier who may think himself unjustly Fined by his Captain; and to order and to dispose of all Fines; In the First Place, for buying Drums, Colours, and other necessaries, for the use of the Company from whence the same shall arise, and afterwards for supplying the Militia with Arms; and the said Court is hereby directed and required, to keep a Register of all their Proceedings: and for that purpose to appoint a Clerk, and to allow him a reasonable Salary out of the Fines.

XVII. And be it further Enacted, by the Authority aforesaid, That the Court Martial of every County shall have full Power, from Time to Time, to call the Sheriff, or any other Person or Persons whatsoever to Account on Oath, who shall pay to them the Monies in the Hands of him or them belonging to their respective Regiments, that have accrued and become due

by Virtue of a late Act of Assembly, intituled, An Act for the better Regulation of the Militia, and other purposes, passed in the Thirtieth Year of his Majesty's Reign; or shall or may become due by Virtue of this Act. And if any Sheriff or other Person shall refuse or neglect to appear, account and pay as aforesaid, he shall forfeit and pay the Sum of Five Hundred Pounds; to be recovered with Costs, by the Colonel of the Regiment to which such Money is or may become due, by Action of Debt or Information, in any Superior Court; and to be applied to the Use of the Regiment. And when any Suit shall be brought by the Colonel, and he shall happen to die, or be superseded before such suit shall be determined, the same shall and may be carried on by the succeeding Colonel, in the Name of his Predecessor, who brought such suit; And the Death of the Colonel, or his being displaced, shall not be pleaded in abatement of such suit, nor deemed Matter of Error; any Law or Usage to the contrary notwithstanding.

XVIII. And be it further Enacted, by the Authority aforesaid, That every Colonel failing to appear at such Court, and every Lieutenant-Colonel failing to appear at the General Muster, or such Court as aforesaid, for every such Offense, shall Forfeit and pay the Sum of Five Pounds Proclamation Money, and every Captain failing as aforesaid, shall Forfeit and pay three Pounds; and every Lieutenant or Ensign failing to appear at the general Muster, Forty Shillings, unless they shall make such Excuse for their absence to the next succeeding Court, as the said Court shall judge sufficient; And every Captain, or in his Absence, the Clerk of the said Company, shall return, on Oath, an exact List of the Persons who have been Fined, and whether for Absence or want of Accoutrements; and every Captain shall then and there pay, into the Court, all such Fines as he shall have received, under the Penalty of Fifty Pounds; to be levied by a Warrant from the Colonel; which said Fine shall be applied as other Fines by this Act are directed.

XIX. And be it further Enacted by the Authority aforesaid, That each and every Captain shall procure a Copy of this Act, and lodge the same with the Clerk of his Company; and be allowed for the same out of the Fines.

XX. And be it further Enacted, by the Authority aforesaid, That no Officer or Soldier, ordered and directed by this Act to appear at Muster as aforesaid, shall be liable to be taken or arrested by any Officer in any Civil Action or Process whatsoever, on the Day such Person is directed to appear, in any reasonable Time, either in going to, continuing at, or returning Home, from the Place appointed to Muster; but every such Arrest is hereby declared to be Ipso Facto void; and all Officers are hereby required to take Notice thereof; any Law, Usage, or Custom, to the contrary notwithstanding.

XXI. And be it further Enacted, by the Authority aforesaid, That every Person liable to appear or Muster, going to, or returning from any Muster, shall be suffered to pass over any Bridge, and shall be put over any Ferry without Delay, free from any Charge whatsoever; and if any Ferryman shall demand, delay, or refuse to put such Person or Persons over, he shall forfeit and pay for every such Offense, the Sum of Twenty Shillings; to be recovered by a Warrant from a Justice of the Peace; one Half to the Informer, the other Half for the Use of the Parish wherein the Offense was committed.

XXII. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during Six Months, and no longer.

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1760.

At an Assembly begun and held at New Bern, the Twenty Fourth Day of April, in the Thirty Third Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland, King, &c., and from thence continued, by several prorogations, to the Thirtieth Day of November in the Year of our Lord One Thousand Seven Hundred and Sixty; to be then held at Wilmington; Being the Fourth Session of this present Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act to regulate Elections for Members to serve in the General Assembly, and to ascertain who shall be qualified to vote at the said Elections, or to be elected a Member of the General Assembly; and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

I. Whereas there is no Law now in Force in this Province to ascertain the Method of taking the Poll at the Election of Members to serve in the General Assembly, or who shall be qualified to vote at, or be elected a Member to serve as aforesaid.

II. We therefore pray that it may be Enacted, And be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Sheriffs of the several respective Counties within this Province shall, at all Elections hereafter to be made in the several and respective Counties for Members to sit in General Assembly, take the Votes of the Freeholders qualified to vote, in Manner following; that is to say, each and every Sheriff of the several Counties, shall, at the Day appointed for choosing Members of Assembly, come to the Place by Law appointed for holding such Election in his County, and the Candidates then present, shall nominate and appoint two Inspectors to see the Poll fairly and impartially taken; and if the candidates then present shall refuse or neglect, the Sheriff or Under Sheriff of the County, shall nominate and appoint the said Inspectors, and the Sheriff shall, at or before Ten O'clock in the Forenoon, open the Poll, and after Proclamation made for the Freeholders to come and give their votes, shall take a List of the Names of the Voters who shall give their Suffrage, and the Votes shall be given openly, and the Poll kept open until Sunset, unless the Candidates then present shall agree to have it closed sooner; and the Sheriff shall then, in the Presence of the Inspectors, cast up the Number of Votes given for each Candidate, and declare the Person or Persons who shall have the greatest Number of Suffrages, to be duly elected; and in case of an equality of Votes among any of the Candidates, the Sheriff shall have the casting Vote, and in no other case give his Vote.

III. And to prevent Disputes which may hereafter arise in electing of Members to serve in Assembly, relating to who shall be understood to be a Freeholder; Be it Enacted by the Authority aforesaid, That every Person who Bona Fide, hath an Estate real for his own Lifetime, or the Life of another, or any Estate of greater Dignity of a sufficient Number of Acres in

the County which by the Law enables him to vote, or be a Candidate for such County, shall be accounted a Freeholder within the Meaning of this Act.

IV. And be it further Enacted by the Authority aforesaid, That no Person shall hereafter be admitted to give his vote in any Election of a Member or Members to sit in General Assembly for any County within this Province unless he hath been an Inhabitant of this Province Six Months, and hath been possessed of a Freehold, within the Meaning of this Act, of Fifty acres of Land, at least three Months before he gives his Vote, and is also of the full Age of Twenty-one Years: And that hereafter, no Person shall be deemed qualified, or admitted to sit and vote in the General Assembly, unless he hath been one full Year an Inhabitant of this Province, and possessed of a Freehold, within the Meaning of this Act, of at least One Hundred Acres of Land in the County for which he shall be elected or chosen, and is also of the full Age of Twenty-one Years at the Time he is chosen.

V. And be it further Enacted by the Authority aforesaid, That every Freeholder, before he is admitted to give his Vote as aforesaid at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the following Oath; which Oath the Sheriff or under Sheriff is hereby impowered and directed to administer, Viz.:

You shall Swear, that you have been Six Months an Inhabitant of this Province, and that you have been possessed of a Freehold of Fifty Acres of Land for Three Months past, in your own Right, in the County of ———— and that such Land hath not been granted to you fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is in the County of ———— and that you have not voted in this Election. So help you God.

VI. And be it further Enacted by the Authority aforesaid, That when any Sheriff shall receive a Writ or Writs for the Election of a Member or Members for any County within this Province, he shall advertise, or cause to be advertised, the same at every Church and Chappel, and Court House within his County, immediately after Divine Service, on Three several Sundays, successively, next before the Election, if there be so long a Time between his receiving the Writ and the Day of Election; and the Freeholders within the Intent and Meaning of this Act, within the County or Town where the Election is to be made, respectively, shall appear accordingly, and give his Vote at such Election; And if any Person shall give his Vote at any Election, who is not a Freeholder within the Meaning of this Act, or shall Vote Twice at the same Election, such Person shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that will sue for the same; to be recovered with Costs of Suit, in any Court of Record in this Province, by Action of Debt; wherein no injunction or Wager of Law shall be allowed or admitted of.

VII. And be it further Enacted by the Authority aforesaid, That where any Suit shall be brought against any Person for voting, not being a Freeholder, the Onus Probandi shall be on the Defendant.

VIII. And be it further Enacted by the Authority aforesaid, That no Person or Persons, hereafter to be elected to serve in the General Assembly for any County or Town within this Province, shall or do, by himself or themselves, or by any other Ways or Means in his or their Behalf, or at his or their Charge, before his or their Election to serve in General Assembly for any County or Town within this Province, either directly or indirectly, give, present, or allow to any Person or Persons, having Voice or Vote in such Election, any Money, Gift, or Reward or Present, or make any Promise to do the same to, or for him or themselves, or for any such Person or Persons

in Particular to any such County or Town in General, in order to be elected to serve in the General Assembly for any such County or Town; and that all and every such Person so offending, and being guilty herein, after proof thereof made to the House, shall be disabled, and incapable upon such Election, to serve in the General Assembly for such County or Town during the Continuance of that Assembly.

IX. And be it further Enacted by the Authority aforesaid, That if at any Time any Candidate, or other Person in his Behalf, shall desire a Copy of the Poll, the Sheriff or Under-Sheriff who takes the Election, shall, within Ten Days after such Election, cause a Fair Copy thereof to be made, and shall deliver it attested, with his own Hand, into such Candidate, or other Person as shall require the same as aforesaid.

X. And be it further Enacted by the Authority aforesaid, That each and every Member so elected, shall, before he be admitted to sit or vote in the Assembly, take the Oaths appointed to be taken by an Act of Parliament made in the First Year of the Reign of his late Majesty King George the First, intituled, An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret abettors; and the Oath of Abjuration, and repeat and subscribe the Test.

XI. And be it further Enacted by the Authority aforesaid, That if the Sheriff of any County, or in his Absence, the Under-Sheriff, shall refuse to take the Poll, or take it in any other Manner than is herein directed, or shall refuse or neglect to give a Copy of the Poll as aforesaid, within Ten Days after such Election, or shall not regularly and in Time return the Writ of Election, or shall make a False Return thereof; every such Sheriff or Under Sheriff as aforesaid offending herein, or in any of these Cases respectively, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; one Moiety to his Majesty, his Heirs and Successors, for and towards defraying the contingent Charges of Government, and the other Moiety thereof to him or them that will sue for the same; to be recovered with Costs, in any of the Superior Courts of Pleas and Grand Sessions of this Province, by Action of Debt; wherein no Essoign, Injunction, Privilege or Wager of Law, shall be allowed.

XII. Provided always, That the Election of Members for the several Towns in this Province to sit and vote in the General Assembly, and the Qualifications of the Candidates, and Votes for Members to represent the said Towns, shall be as prescribed by the several Acts of Assembly of this Province in such Cases made and provided: Any Thing in this Act contained to the contrary notwithstanding.

XIII. And whereas there is no Law now in Force for ascertaining the Qualifications of the Candidates and Voters for the Town of Brunswick; Be it further Enacted, by the Authority aforesaid, That no Person shall be deemed qualified to be a Representative for the said Town, to sit and vote in the General Assembly, unless on the Day of Election he be, and for three Months next before, was seized, in Fee Simple, of a Brick, Stone, or framed House, in the said Town, of the Dimensions of Twenty Feet by Sixteen with one or more Brick or Stone Chimney or Chimnies; and that every Tenant of any Stone or Habitable House of the Dimensions aforesaid, within the Bounds of the said Town, who at the Day of Election, and for three Months next before, inhabited such House, shall be intituled to vote in the Election for the Representative of the said Town; and in Case there shall be no Tenant

of such House in the said Town on the Day of Election, qualified to vote as aforesaid; then, and in such Case, the Person seized of such House, either in Fee-Simple, Fee-Tail, or for Term of Life, shall be intitled to vote for the Representative aforesaid: Any Thing in this Act contained to the contrary notwithstanding.

CHAPTER II.

An Act for obtaining an exact List of Taxables, and for the effectual collecting all Taxes for the Future due and payable, and other Purposes therein mentioned.

I. Whereas it appears, by the List of Taxables delivered in by the Magistrates at the several and respective Counties of this Province, that a full and compleat List has never yet been obtained by any Law now in Force; and whereas the equal Payment of Taxes is of great Consequence: therefore,

II. Be it Enacted by the Governor, Council, and Assembly and by the Authority of the same, That all and every white Person, Male, of the Age of Sixteen Years and upwards, all Negroes, Mulattoes, Mustees, Male and Female, and all Persons of Mixt Blood to the Fourth Generation, of the Age of Twelve Years and upwards, and all white Persons intermarrying with any Negro, Mulatto, Mustee, or other Person of Mixt Blood, while so intermarried, and no other Person or Persons whatsoever, shall be deemed Taxables; any Law, Usage, or Custom, to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That from the passing of this Act, the Method for obtaining an exact List of Taxables shall be in the following Manner, any Law, Usage, or Custom, to the contrary notwithstanding; that is to say, the Justices of each County shall, at the next Court to be held for their respective Counties after the First Day of May next, and so yearly, issue their Warrant, signed by the Chairman, directed to the Constable in each and every District in the respective Counties, Authorizing and commanding him to go from House to House in his District, and summon the Master or Mistress of every Family, and the Overseer of every Plantation of which there is no Master or Mistress within his District to appear, and they are hereby required to appear, before the Magistrate that shall be appointed by the Court to receive the List of Taxables in such District preceding the Time of holding the then next Court to be held for such County, and there to give in, upon Oath, a List in Writing of all the Taxables in his or her Family, setting forth in such List the Name and Sex of each Taxable Person, whether white or black, bond or free, and distinguishing such Male Slaves as are Sixteen Years of Age or upwards and the Constable of each and every District shall likewise give in to the Magistrates of his District a List, upon Oath, of all such Persons so warned, which list shall contain the Names of all the Masters and Mistresses of Families, and Overseers of Plantations, within his District; And in Case any Constable shall die, remove, or be anywise rendered incapable of serving in his Office, the Magistrate of such District is hereby required to appoint and Qualify another Person to act as a Constable to serve in such District, until the Time appointed by Law for appointing a Constable, which Constable so appointed, shall be under the like Rules and Penalties as the former Constable.

IV. And be it further Enacted, by the Authority aforesaid, That each Constable neglecting to summon the Master, Mistress, or Overseer, as aforesaid, or neglecting to return such List as is hereinbefore directed, shall for-

felt and pay the Sum of Five Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as is by this Act Directed.

V. And be it further Enacted, by the Authority aforesaid, That the Court of each and every respective County shall, at the same Court they appoint Constables, appoint one Magistrate for each District to take and receive the List of Taxables for such District; which Justice so appointed is hereby required and directed to receive, upon Oath, from all Persons that are liable that shall offer to enlist, being Inhabitants of such District, and shall make a List of all such, and shall compare the same with the Constable's List returned to Him, and if it shall appear that any Person or Persons within his District that ought to inlist him or herself according to the Direction of this Act, hath failed so to do, or that the Constable hath failed to summon any such Person or Persons, such Justice shall report the same to the second Court to be held for such County after the First Day of May, and also shall return to the said Court the Constable's List, and the List of Taxables by him so taken, that all such Person or Persons as have failed in their Duty may be prosecuted; and such Justice shall set forth in his List the Names of every Master or Mistress of Families, and Overseers of Plantations of which there is no Master or Mistress in the County, the Name and sex of each Taxable Person, whether white or black, bond or free, and distinguishing such Male Slaves as are sixteen Years old and upwards.

VI. Provided always, That in Case no Justice shall preside within any such District, the Court shall and may appoint another or other of the Justices of the County as shall be most convenient to serve for such District or Districts.

VII. Provided also, That in Case any Justice or Justices shall die, remove, or be any ways rendered incapable to serve in his Office the Chairman shall and may, by his Warrant, appoint some other Justice of said Court in the Room of any such Justice or Justices so dying, removing, or any wise rendered incapable; which Justice so appointed, shall act under the like Rules and Penalties of the former Justice.

VIII. And be it further Enacted, by the Authority aforesaid, That in Case any Court within this Province shall neglect to appoint one Constable to summons, and one Justice to receive the List of Taxables in each and every District within their respective Counties, according to the Direction of this Act, the Justices of such Court shall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as other Fines by this Act directed.

IX. And be it further Enacted, by the Authority aforesaid, That every Master, Mistress or Overseer, being summoned, also every Master, Mistress, or Overseer, as through mistake may not be summoned, that shall neglect to appear and give in his or her List of Taxables, according to the Directions of this Act, Ten Days before the Second Court to be held for this County after the First Day of May, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for each and every Taxable he or she ought to have inlisted; to be recovered by action of Debt, Bill, Complaint, or Information, in any Court of Record having Cognizance thereof, by any Person who shall sue for the same; one Half whereof to the Prosecutor, the other Half to our Sovereign Lord the King, for the use of the County, where the forfeiture shall arise to be applied by the Court of the said County towards lessening the Tax of the said County.

X. And be it further Enacted, by the Authority aforesaid, That every free Person coming into any County in this Province to reside, on or before the First Day of May, yearly, shall be liable to inlist and pay Taxes unless such

Person shall produce a Receipt that he, she or they, have paid Taxes for that Year in some other County or Province, under the like Rules and Penalties as is by this Act before directed, and every Person or Persons that have the Care or Management of any Orphan's Estate, or of any Taxable Person thereunto belonging, are hereby declared to be obliged to inlist and pay for all such Taxables as belong to such Estate; and all Persons that shall let out on hire any Taxable Person or Persons, shall inlist and pay for every such Taxable in the County where such Person so letten on hire doth reside under the like Rules and Penalties as is by this Act before directed: any Usage or Custom, to the contrary, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That every Person or Persons, resident within this Province at the Time Taxables are by Law to be inlisted, who have no home or dwelling of his or their Own in such County shall and are hereby required, to procure some House Keeper to list Him or them, under the same Penalties and Forfeitures as by Law are inflicted on Masters of Families neglecting to give in their several Lists.

XII. And whereas many idle Persons within this Province, having no Home or Dwelling of their Own, and neglecting to procure some House Keeper to list him or them, and such Persons having no visible Estate, whereby the Fines and Forfeitures imposed by this Act cannot be recovered and collected from them, or estate sufficient for the Sheriff to make Distress for the Levies as aforesaid; Therefore to compel such Persons to procure some House Keeper to inlist him or them, or to provide by an Honest Industry, to pay the Levies and Taxes annually aforesaid;

XIII. We pray that it may be Enacted, And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, if any such Person as aforesaid, in any County within this Province, shall refuse or neglect to procure some House Keeper to list him as a Taxable, or shall neglect to pay his levies to the proper Officer who ought to receive the same, at the Times when such Levies are to be by Law paid and collected, the Sheriff of the County where such Person ought to have inlisted, or procured some House Keeper to inlist him, shall make Distress on the goods and chattels of such Person, if any to be found within his said County; and if there is no goods or Chattels of such Person to be found in such County, the Sheriff shall apply to some Magistrate within his said County, and make Oath that such Person as aforesaid hath no Goods or Chattels within the said County whereupon he can make Distress; and such Justice shall issue his Warrant against any such Person as aforesaid; And such Sheriff is hereby ordered and directed to take the Body of such Person, and commit him to the Public Gaol of the said County, there to remain without Bail or Mainprize for One Month, unless some Person will sooner procure his said Levies, and Fees of Imprisonment, to be paid; and such Person being so committed, shall not have the Benefit of the Act of Assembly, intituled An Act for the relief of poor Debtors, as to the Imprisonment of their Persons; but shall, at the Expiration of the said Month, be by the Sheriff sold for his said Levies and Prison Fees at Public Vendue, to such Person who for the shortest Time of Service will pay the Same; and such Person so sold shall during his said Service, be liable to the same Pains and Penalties that indented Servants are liable to by an Act of Assembly of this Province intituled, An Act concerning Servants and Slaves.

XIV. And be it further Enacted, by the Authority aforesaid, That if any Justice or Justices, appointed by the Court, or Chairman of such Court as aforesaid, shall neglect to receive and return his and the Constable's List as is by this Act directed, every such Justice so neglecting, shall Forfeit and

pay the Sum of Five Pounds, Proclamation Money, for each and every neglect; to be recovered and applied as other Fines by this Act directed.

XV. And be it further Enacted, That the Clerk of each and every Inferior Court shall, within one Month next after the several Lists of Taxables shall be returned by the Justices into Court, transmit one attested Copy of such List, alphabetically digested, yearly to the Sheriff of his County, one attested Copy to the Court, one attested Copy to the Vestry, one attested Copy to the Treasurer, and shall also fix one Copy in the Court-House of his County, and keep the same constantly set up, that all Persons may have an opportunity to peruse and examine the same, under the Penalty of Twenty Pounds for each and every Neglect; to be recovered and applied as other Fines by this Act directed.

XVI. And be it further Enacted, That the Justices of the several Inferior Courts are hereby impowered and directed to allow and pay unto the Clerk out of the County Tax, such reasonable allowance as they shall think sufficient for the Service as afore-mentioned directed to be done by him.

XVII. And be it further Enacted, That when any Person shall have obtained a Commission for the Office of Sheriff of any County, he shall, before he be admitted to take the Oath of a Sheriff, or enter upon the Execution of his Office, enter into Bond, with sufficient Security, as is directed by an Act of Assembly, intituled, An Act for appointing Sheriffs and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Persons intrusted with laying out Public Money, to apply and account for the same: And if any Sheriff shall presume to enter on the Execution of his Office before he shall give such Bond, he shall Forfeit and pay the Sum of Five Hundred Pounds Proclamation Money; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Superior Court of the District where such Sheriff shall reside, by him that shall sue for the same; the one Half to the Prosecutor, the other Half to our Sovereign Lord the King, for the Use of the Public, and shall be applied by the Governor, Council, and Assembly, towards defraying the contingent Charges of Government.

XVIII. And be it further Enacted, That if any Inferior Court within this Province shall fail or neglect to take such Bond, the Justices then sitting shall forfeit and pay the Sum of Five Hundred Pounds Proclamation Money; to be recovered and applied as the Fine herein last before mentioned.

XIX. And whereas Sheriffs, and other Collectors of Taxes, have discovered some Taxables not inlisted, and have demanded and received the Taxes from them, and retained the same to their own Use Be it therefore Enacted by the Authority aforesaid, That all Sheriffs, and Collectors of Taxes, shall hereafter account, on Oath, for all such Taxes and Levies by them, or their Deputy, or Deputies, received, to the respective Treasurer, Inferior Court, or Vestry, as the Case may be; which shall be applied to the Use of the Public, County, or Parish, accordingly, under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered and applied as other Fines in this Act directed.

XX. And be it further Enacted, by the Authority aforesaid, That if any Sheriffs shall refuse or neglect to account for and pay the several County Taxes that have been, or hereafter shall be assessed on the taxable Persons of the County whereof he is Sheriff, and wherewith he shall be chargeable, according to the Directions of the Laws of this Province, after deducting his Commissions allowed him and the several Sums chargeable to Persons who have no visible Estate in such Counties, it shall and may be lawful for the Superior Court of the District where such Sheriff shall live, either before,

or at any time after the Expiration of his said Office, on Motion of the Chairman of such Inferior Court, to give Judgment against such Sheriff for all the Money wherewith he shall or may be chargeable to the County, with Costs and thereupon to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff; provided always, the Sheriff shall have Ten Days previous notice of such Motion.

XXI. And be it further Enacted, by the Authority aforesaid, That the Justices of each, and every County shall purchase, at the expence of the same, well bound Books, for keeping therein a fair Record, in which shall be, by the Clerk of such County Court, yearly, fairly stated, all Accounts relating to the Charge and Expence of all Monies collected and received for the Use of such County; as also an Account of the Number of Taxables in each District, as returned by the several Magistrates thereof; and an Account of all such Persons as shall be discovered to have failed to inlist within such District; and an Account of all the Masters, Mistresses, and Overseers, in each District, as returned by the several Constables of such County; under the Penalty of Twenty Pounds, Proclamation Money, to be recovered and applied as other Fines by this Act directed; for which said Services the Clerk shall be allowed by the Justices, out of the County Tax, all Sum or Sums of Money as they shall think adequate for such Services.

XXII. And be it further Enacted by the Authority aforesaid, That every Sheriff, and every Collector of Public Duties, shall, at his Settlement with the Treasurer of his District, deliver his Account, signed and proved, of all the Monies he hath received, payable to such Treasurer, for the Use of the Public; which Accounts such Treasurer shall produce as a Voucher for the Money by him received, in order to settle with the Assembly; under the Penalty of Five Hundred Pounds Proclamation Money; to be recovered and applied as other Fines by this Act directed.

XXIII. And whereas by the Laws now in Force, the Justices of every County Court, when they settle with their respective Sheriffs, are impowered to make the said Sheriffs an Allowance for such Persons as have no visible Estate, and an attested Copy of such Allowance or Settlement may be given in Evidence when such Sheriffs are sued by the Public Treasurer for the Public Taxes; which Power, in several instances, has been abused; For Remedy whereof; Be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, no County Court shall make such Allowance for Insolvents, nor give any Certificate for the same, unless there shall be Five or more Justices in Court at making such Allowance, who shall all sign the Certificate for the same.

XXIV. And whereas the several Public, County, and Parish Taxes, are not directed to be paid at one and the same Time, whereby several Sheriffs, when they have distrained for said Taxes, have taken Fees for Distress on each Tax: For Remedy whereof, Be it Enacted, and it is hereby Enacted, That after the passing this Act, if any Person or Persons shall fail to pay the Public, County, and Parish Taxes on or before the Tenth Day of March, yearly, the Sheriff shall and may make Distress on such Person or Persons so failing as aforesaid for the whole amount of such Taxes in one Sum, for which Distress he shall and may take Two Shillings and Eight Pence, and no more; any Law, Usage or Custom, to the contrary, notwithstanding.

XXV. And be it further Enacted by the Authority aforesaid, That the several Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is hereinbefore directed, shall and may be recovered, with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Prosecutor, and the Other Half to the Use of our

Sovereign Lord the King, for the Use of the County wherein such Penalty shall be incurred, and be applied by the Justices towards lessening the County Tax.

XXVI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, for so much as relates to any Matter or Thing within the Purview of this Act, from henceforth shall be repealed and made void.

CHAPTER III.

An Act for erecting the upper Part of Beaufort County into a County and Parish, by the Name of Pitt County, and St. Michael's Parish; and for adjourning the Court from the Court-House on the Land of Thomas Bonner, to the Court-House in Bath Town; and other Purposes therein mentioned.

I. Whereas the large extent of the County of Beaufort renders it grievous and burthensome to the Inhabitants thereof to attend the Courts, General Musters, and other Public Meetings appointed therein;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of January next, the upper Part of the said County of Beaufort, beginning at the Line between the said County and Tyrrel, running South, South West to Cherry's Run, where the main Road crosses the said Run; thence down the said Run to Tranter's Creek; thence down the said Creek to Pamlico River; thence down the said River to the Fork Point, on the South side of the said River; thence up the Chocowinity Bay and Creek to the Head thereof; thence South. South West to the dividing Line of the said County and Craven; thence along the dividing Lines of Craven, Dobbs, Edgecomb, and Tyrrel; so that all that Part of Beaufort County to the Westward of Cherry Run, Chocowinity Bay and Creek, shall, and is hereby declared to be a separate County and Parish, and shall be called and known by the Name of Pitt County, and St. Michael's Parish, with all and every the Rights, Privileges, Benefits, and Advantages, whatsoever, which any other County or Parish within this Province can, shall, or may lawfully hold, use, or enjoy.

III. And for the due Administration of Justice within the said County, Be it further Enacted, by the Authority aforesaid, That after the said First Day of January, a Court for the said County of Beaufort be constantly held by the Justices thereof at the Court House in Bath Town upon the Days and Times by Law appointed for holding Courts in Beaufort County; any Law, Usage or Custom, to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That John Hardy, John Simpson, William Spier, George May, and Isaac Buck, are hereby appointed Commissioners; and they, or the majority of them, are hereby required within Six Months after the passing of this Act, to agree and contract with Work men for the building and erecting a suitable Court House, Prison, Pillory, and Stocks, for the Use of the said County of Pitt, on the Land of Mr. John Hardy, on the South Side of Tar River, near the Chapel known by the Name of Hardy's Chapel.

V. And be it further Enacted, by the Authority aforesaid, That a Poll-Tax of Two Shillings, Proclamation Money, shall be levied on each Taxable Person within the said County of Pitt for Two Years; which Tax shall, on or before the Tenth Day of June, which shall be in the Year of our Lord One

Thousand Seven Hundred and Sixty One, and Sixty Two, be paid to the Sheriff of the said County.

VI. And be it further Enacted, by the Authority aforesaid, That all Persons in the said County neglecting to pay the said Tax, until the Tenth Day of March in each of the aforesaid Years, to the Sheriff as aforesaid, shall be liable thereafter to the same Distress as for Non-Payment of other Taxes; and the Sheriff of the said County Shall, and is hereby required and directed, on or before the Tenth Day of June in each Year, to account upon Oath, and pay to the said Commissioners, the Survivor or Survivors or the Majority of them, the Money which by Virtue of this Act he hath received, after deducting Six per Cent. for collecting the same, under the Penalty of Two Hundred Pounds, Proclamation Money, to be recovered by the said Commissioners, the Survivors or Survivor of them, by Action of Debt, with Costs, in the Superior Court in the District to which the said County belongs.

VII. Provided nevertheless, That if the Money so to be collected and paid by the Sheriff of the County of Pitt, to the aforesaid Commissioners, shall amount to more than the Sum by them contracted to be paid for the erecting the said Buildings, they shall account for and pay the Overplus thereof to the Justices of the said Inferior Court of Pitt, which by them shall be applied towards defraying the Contingent Charges of the said County.

VIII. And be it further Enacted by the Authority aforesaid, That a Court for the County of Pitt shall be held Quarterly on the last Tuesdays in the Months of February, May, August and November, which said Court shall be held by a Commission to the Justices, in the same Manner, and under the same Rules and Restrictions and shall have and exercise the same Power and Jurisdiction, as prescribed for other Inferior Courts of Pleas and Quarter Sessions within this Province.

IX. And be it further Enacted, by the Authority aforesaid, That the Justice to be appointed by the Inferior Courts of Pleas and Quarter Sessions for the said County of Pitt shall, and they are hereby authorized and empowered to hold a Court for the said County of Pitt on the Days before mentioned, at the House of Mr. John Hardy, until there shall be a Court House built for the said County; at which Time the said Justices are hereby required to adjourn the said Court from the House of the said John Hardy, to the Court House to be built for the said County.

X. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the aforesaid County of Beaufort, as the same now stands undivided, to make Distress for any Taxes, Levies, Fees, or other Dues, that are now, or shall be due from the Inhabitants of the said County for the Year of our Lord One Thousand Seven Hundred and Sixty, or before, but that he may make Distress in the same manner as by Law the said Sheriff could or might have done if the said County had remained undivided: And the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithstanding.

XI. And be it further Enacted by the Authority aforesaid, That after the said First Day of January the said County of Pitt shall be, continue, and remain Part of the District of the Superior Court of Pleas and Grand Session to be held for the Counties of Craven, Carteret, Beaufort, Hyde, and Dobbs; and the Justices of the Court of the said Counties of Beaufort, and Pitt shall, and they are hereby directed, before such Superior Court, to nominate six Freeholders to serve as Grand and Petit Jurors at such Superior Court a

List of which Jurors, so nominated, shall be delivered by the Clerks of each of the said Counties to the Sheriff, who shall, and is hereby required to summons the Persons so nominated to serve as Jurymen at the Superior Court; And in Case any of the Jurymen shall, when nominated and summoned as aforesaid, fail to appear at the said Superior Court, they shall be under the same Rules, Fines, and Regulations, as other Jurymen are by Virtue of one Act of Assembly, passed in New Bern in the Year of our Lord One Thousand Seven Hundred and Sixty, intituled, An Act directing the Method of appointing Jurymen in all Causes criminal and civil; and the Sheriff of the said County of Pitt shall, from Time to Time, account for and pay to the Public Treasurer for the Southern District of this Province for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties as other Sheriffs of the said District.

XII. And be it further Enacted, by the Authority aforesaid, That all Causes, Pleas, Writs, Actions, Suits, Plaints, Process, Precepts, Recognizances, Indictments, Presentments, and other Matters and Things in the said Inferior Court of Beaufort Depending, from and immediately after the First Day of January next, shall stand adjourned and continued from the Court House on the Land of Thomas Bonner to the Court House in Bath Town; and all appearances and Returns of Process shall be made on the Day by Law appointed for holding the said Court to the said Court House; and all suitors and Witnesses bound to appear thereat, in the same Manner as if the said Court had not been removed to the Court house in Bath Town from the Court House on the Land of Thomas Bonner: And all subsequent Process which shall or may Issue on any Action already commenced, and not determined, in the Inferior Court of Beaufort shall be directed to, and executed by the Sheriff of Beaufort County, to the End and final Determination of such Causes; any Law, Usage or Custom, to the contrary notwithstanding.

XIII. And be it further Enacted by the Authority aforesaid, That the Freeholders of the County of Pitt, as the same shall stand divided from the County of Beaufort, shall, and are hereby impowered and required, to meet at the House of Mr. John Hardy, on Easter Monday next after the passing of this Act, then and there to choose and elect Twelve Freeholders to serve as Vestrymen; and the Freeholders of the County of Beaufort, as the same shall stand divided, shall, and are hereby impowered and required, to meet at the Court House in Bath Town on Easter Monday next after the passing of this Act, then and there to choose and elect Twelve Freeholders to serve as Vestrymen; which Vestries, when so Chosen, shall be under the same Rules and Restrictions as other Vestries in other Parishes are.

XIV. And for establishing roads and ferries and for the better regulation of the County of Pitt; Be it enacted, by the Authority aforesaid, That one Act of Assembly of this Province, made and passed in the year of our Lord one Thousand Seven Hundred and Fifty Six, intituled, An Act for establishing Public Roads and Ferries, and for the better regulation of the same in the several Counties, and every Clause and Article therein, shall extend to the said County of Pitt, and be in full force within the same to all Intents and Purposes as if the said County had been particularly mentioned in the said Act.

XV. Provided always, That nothing herein contained shall be construed, deemed or taken, to alter or derogate from the Rights and Royal Prerogatives of his Majesty, his Heirs and Successors, of granting Letters of Incorporation to the said County of Pitt, ordering, appointing, and directing the Election of a Member or Members to represent them in Assembly, and

of granting Markets and Fairs to be kept and held in the Counties of Beaufort and Pitt respectively; but that the said Rights and Prerogatives shall and may at all Times hereafter, be exercised therein by his said Majesty, his Heirs and Successors in as full and ample Manner, to all Intents and Purposes, as if this Act had never been made.

CHAPTER IV.

An Act to empower the Inhabitants of several Parishes within this Province, that have no legal Vestry within their respective Parishes, to meet and elect Vestries.

(Printed in Private Acts, *post.*)

CHAPTER V.

An Act for altering the Times of holding the Inferior Court of Pleas and Quarter Sessions in the County of Chowan.

(Printed in Private Acts, *post.*)

CHAPTER VI.

An Act to amend an Act, intituled, An Act for the Relief of such Persons as have suffered or may suffer, by not having had their Deeds and Mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes, and to prevent Disputes and Law Suits concerning Lands.

I. Whereas by the aforesaid Act any Person or Persons having Deeds or Mesne Conveyances within this Province were to register the same within Eighteen Months after passing the said Law, and many Persons through want of knowing the said Law, have neglected to have their Deeds or Mesne Conveyances registered according to the Purport thereof; For Remedy whereof,

II. We pray it may be Enacted, And be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged or proved, shall and may, within Eighteen Months after the passing of this Act be acknowledged by the Grantor, their Agents or Attornies or proved by one or more of the subscribing Witnesses to the same; and tendered and delivered to the Registers of the Counties where such lands, Tenements, and hereditaments, respectively lie; and all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, and also such as have been heretofore, recorded by the Clerk; or Registered by the Register of any Precinct or County wherein the Lands or Tenements mentioned in the same lie or are situate, though not within one Year after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take effect as fully and effectually, to the Use and Behoof of the Grantee, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered, agreeable to the Direction of any Act of Assembly heretofore made.

III. And be it further Enacted by the Authority aforesaid, That every Sheriff within this Province shall, on the second Day of Every Inferior Court of the County whereof he is Sheriff, read this Act at the Door of the Court House, immediately after the sitting of the Court.

CHAPTER VII.

An Act to amend and continue an Act intitled An Act for appointing a Militia.

I. Whereas an Act for appointing a Militia, passed at the last General Assembly held at Wilmington in June last, was to continue and be in Force for and during Six Months and no longer, and is now near expiring; and it being found necessary that the said Act should be amended and continued;

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That from and after the passing of this Act, there shall be yearly One General Muster, and Three private Musters, of every Company in each Regiment, and no more; any Thing in the before recited Act to the contrary notwithstanding.

III. And be it further Enacted, That the Major of each Regiment shall be subject and liable to the same Fines for every Default of Duty that the Colonel is by Law subject to.

IV. And be it further Enacted, by the Authority aforesaid, That this Act, and the Act before recited, as by this Act amended, shall be and continue in Force for and during the Space of Two Years, and no longer.

CHAPTER VIII.

An Act for raising Money by a Lottery, towards finishing the Churches at Wilmington and Brunswick; and for applying the Produce of the Slaves, and other Effects taken from the Spaniards at Cape Fear, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, to the same Purposes.

I. Whereas by an Act intituled, an Act for raising Money for finishing the Churches in the Parishes of St. James's and St. Philip's, in New Hanover County, by a Lottery, several Persons were appointed Managers for undertaking, carrying on, and drawing a Lottery as therein mentioned; but the greatest part of the Tickets therein remaining unsold, and the Time for Drawing the same being now expired, the Method for raising Money for the Purposes aforesaid is now become ineffectual; And whereas it is imagined, that the Scarcity of Proclamation Money in this part of the Province, had prevented many Persons from purchasing Tickets, who might have inclined to have become Adventurers therein, if the Money had not been immediately payable on the Purchase of the Tickets; and the Method of selling them as hereafter mentioned, being rendered more easy to the Purchasers a Sufficient Number might be sold to enable the Managers to have the same drawn in a short Time.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Cornelius Harnett, Alexander Duncan, Thomas Davis, and John Payne, Esqrs., shall be, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery in Wilmington, for the Purposes aforesaid, with Power to Issue One Thousand Tickets, to be signed by themselves, at the Price of Three Pounds, Proclamation Money, in the following Form:

No.

Cape Fear Church Lottery.

This Ticket entitles the Bearer to whatever Prize may be drawn against this Number, deducting Fifteen per Cent. as by Act of Assembly passed in December, 1760.

And on the Twenty First Day of April next, at the Court House in Wilmington, shall begin the drawing of the said Lottery, if a sufficient Number of Tickets shall by that Time be disposed of; and the Calculation of the Chances shall be as follows:

One Prize of.....	£400 is £	400
Two Prizes of.....	100 is	200
Two Prizes of.....	50 is	100
Ten Prizes of.....	20 is	200
Two Hundred and Five Prizes of.....	10 is	2,050
First Drawn.....		25
Last Drawn.....		25

One Thousand Tickets at.....£ 3 is £3,000

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Managers to deduct, out of the amount of every Prize, Fifteen per Cent. to be applied as hereafter mentioned: But before any Ticket shall be issued, the said Managers shall give Bond, payable to his Excellency the Governor, and his Successors, in the Penalty of Three Thousand Pounds, Proclamation Money, with Condition, for their faithful Discharge of the Trust reposed in them by this Act, which Bond shall be recorded in the Superior or Inferior Court at Wilmington, and any Person Injured may have Judgment thereon against the Managers.

IV. And be it further Enacted, That the said Managers shall, before they enter on the Execution of their Office, before any Justice of the Peace for the County of New Hanover, take the following Oath, Viz.:

I, A. B., do solemnly swear, that I will faithfully execute the Office of Manager to the Cape Fear Church Lottery, according to the Directions of the Act of Assembly in that Case made and provided. So help me God.

V. And for the more ready Sale of the said Tickets, Be it Enacted, by the Authority aforesaid, That the Managers, on the Disposal of any of the said Tickets, may take notes from the Purchaser, with Security, in the following Form:

We, A. and B., do jointly and severally promise to pay to the Managers of the Cape Fear Church Lottery, or their Assigns, the Sum of Three Pounds, Proclamation Money, within Two Months after the Drawing the said Lottery, for Value received by a Ticket therein, bought by A. Witness our Hands, the — Day of ——— 176—.

Which note shall be, and is hereby declared to be valid against the Subscribers, their, and each of their Persons and Estates; and the Managers shall be entitled to demand and receive the Sum within mentioned from the Subscribers; and on neglect or refusal of Payment, the Time limited for payment, being expired, may on application to any Two Magistrates, obtain a Warrant, and on Judgment, have Execution thereon for the same against Body or Goods; which Judgment and Execution the said Magistrates are hereby Authorized and empowered to grant, in the same Manner as they may in other Matters under the Value of Forty Shillings by the Laws in this Province now in Force; and the usual Fees may be taken thereon.

VI. And be it Enacted, That the said Managers may take One Hundred and Thirty Three Tickets, for, and on behalf of the Churches; which said Tickets shall stand as Part of the Fifteen per Cent. by this Act to be deducted; and the said Managers may also take Fifty One Pounds, Proclamation Money, or notes to that amount, as a satisfaction to themselves for keeping the Accounts drawing the Lottery, and the whole Charge thereof.

VII. And whereas the finishing the building of the said Two Churches will be greatly expedited, provided the Money arising by the Sale of the Slaves, and other Effects saved out of the Wreck of the Spanish Privateer that blew up before Brunswick, in the Year One Thousand Seven Hundred and Forty Eight, and is now in Private Hands, unapplied to any Public use, might be appropriated to the compleating the said Two Churches: Be it Enacted by the Authority aforesaid, That the Slaves and other Effects, saved out of the Spanish Wreck as aforesaid, or taken from the Spaniards at the Time of their Invasion, not already sold; as also the Money arising by the Sale of those which have been sold, after deducting the Expences of such Sales, shall be applied towards the compleating the building the said Two Churches, in Manner following; that is to say, Two Third Parts of the Net Proceeds towards finishing the Church at Brunswick; and the other Third Part towards finishing the Church at Wilmington, and to no other use or purpose whatsoever.

VIII. And be it further Enacted, by the Authority aforesaid, That the Commissioners, by Law appointed, for building and finishing the said Churches, shall have full Power and Authority to ask for, demand, and receive, of and from each and every Person or Persons in whose Possession any of the Slaves, Money, or other Effects, saved or arising by the Sale of the Effects taken as aforesaid, and from their Heirs, Executors, and Administrators; and upon refusal, to sue for and recover the same, by Action upon the Case, in any Court of Record in this Province, Respect being had to their Jurisdiction; wherein no plea of the Act of Limitation of Actions, shall be allowed or admitted of.

IX. And the better to enable the said Commissioners to discover in whose Possession the said Effects now are; Be it further Enacted, That each and every Person or Persons who have in Possession any of the Books and Papers relating to the said Effects, shall, upon Demand, deliver to the said Commissioners all such Books and Papers, under the Penalty of Two Hundred Pounds, Proclamation Money: To be recovered in Manner as aforesaid, and applied towards the finishing the said Two Churches as aforesaid.

X. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the respective Churches, shall upon Receipt of their Proportion of the Money as aforesaid, lay out the same to the best Advantage in Work hereafter to be done on the said Churches, and shall not be allowed any Commissions thereon.

CHAPTER IX.

An Act for establishing a Town on the Lands of Joseph Howell, on Tar River.
(Printed in Private Acts, *post.*)

CHAPTER X.

An Act to amend an Act, intituled An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town, passed the Thirtieth Day of September, One Thousand Seven Hundred and Fifty Six.

(Printed in Private Acts, *post.*)

CHAPTER XI.

An Act for destroying Black Birds, Crows, and Squirrels, in the County of Hyde.

(Printed in Private Acts, *post.*)

CHAPTER XII.

An Act for continueing James Davis Printer to this Province. Exp.

CHAPTER XIII.

An Act to continue an Act, intituled an Act for the Restraint of Vagrants, and for making Provision for the Poor, and other Purposes.

I. Whereas an Act passed at New Bern in the Twenty Ninth Year of the Reign of his Present Majesty, intituled, An Act for the Restraint of Vagrants, and for making provision for the Poor, and other Purposes, will expire at the End of this present Session of Assembly; and whereas the said Act hath been found useful and convenient;

II. Be it Enacted, by the Governor, Council, and Assembly and it is hereby Enacted by the Authority of the same, That the before recited Act shall continue and be in Force for and during the Term of Five Years, and from thence to the End of the Next Session of Assembly, and no longer.

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1761.

At an Assembly, begun and held at Wilmington, the Twentieth Day of March in the First Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty One; being the First Session of this present Assembly.
Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for granting to his Majesty an aid of Twenty Thousand Pounds, Proclamation Money, for raising, Clothing, and paying, Five Hundred effective Men, exclusive of officers, to be employed as his Excellency the General, or Commander in chief of his Majesty's Forces in America, or his Excellency the Governor, or Commander in Chief of this Province, shall direct or appoint for paying and subsisting Fifty Men and Officers, now in Garrison; and for appointing an Agent to represent to his Majesty and his Ministers the Loyalty and the Dutiful Behavior of the Inhabitants of this Province, and their Zeal for his Majesty's Service; and also to lay before his Majesty and his Ministers proper Documents of the Charges and Expenses this Province hath been, or shall be at, in his Majesty's Service, during the present War; and to solicit the Affairs of this Province at the several Boards in England; and other Purposes.

(Sections 1 to 9 omitted.)

IX. And whereas there is not Money in the Public Treasury to answer the Purposes aforesaid, and the reduced State of the Province renders it impracticable to raise the same by an immediate Poll-Tax; Be it Enacted by the Authority aforesaid, That the Hon. John Swann, Lewis DeRossett, Esqrs., Samuel Swann and John Starkey, Esqrs., are hereby authorized, impowered, and required, to stamp or print, and make out, or cause to be stamped or printed, and also to sign with their Hands, Public Bills of Credit, to the Amount of Twenty Thousand Pounds, at the Rate of Proclamation Money; that is to say, One Thousand Three Pound Bills, One Thousand Forty Shilling Bills, One Thousand of Thirty, Six Thousand Five Hundred and Six of Twenty, Three Thousand of Fifteen, Three Thousand of Ten, Three Thousand of Five, Two Thousand Seven Hundred and Twenty of Four, Three Thousand of Three Shillings, Three Thousand of Two Shillings and Six Pence, Five Thousand of Two Shillings, Five Thousand of One Shilling, Five Thousand of Eight Pence, Five Thousand of Six Pence, and Five Thousand of Four Penny Bill; and shall receive for stamping or printing, making out and signing the same, Two per Cent. and no more. And the said John Swann, Lewis DeRossett, Samuel Swann, and John Starkey, Esqrs., shall before they stamp, print or sign, any of the said Public Bills of Credit, make Oath before some Magistrate within this Province that they will and truly execute the Trust in them reposed by Virtue of this Act; and give their respective Bonds, with sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, for the Use of this Province, in the Sum of Twenty Thousand Pounds

each, for the faithful Discharge of the Trust in them reposed by this Act; which Bond shall be lodged in the Secretary's Office

X. And be it further Enacted, by the Authority aforesaid, That the said Bills of Credit, when so stamped or printed, and signed as aforesaid, shall be delivered to John Starkey, Esq., Public Treasurer of the Southern District, and shall be by him applied to the uses and Purposes by this Act directed.

XI. And be it further Enacted, by the Authority aforesaid, That the Bills of Credit to be emitted by this Act shall be current, and a lawful Tender in all Payments whatsoever as Proclamation Money.

XII. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurer, when directed (until the Sum of Twenty Thousand Pounds by this Act Granted for paying and subsisting the aforementioned Regiment, and the said Fifty Men and Officers now in Garrison, shall be fully paid) shall make payment in the said Bills of Credit to such Person or Persons as the Governor, or Commander in Chief, by his Warrant, shall order and appoint to receive the same.

XIII. And be it further Enacted, by the Authority aforesaid, That the Person or Persons who shall receive the said Sum of Twenty Thousand Pounds, or any Part thereof, by Virtue of any such Warrant or Warrants, shall account with the General Assembly for the same; and every such Person or Persons, before receiving the said Monies, shall enter into Bond, with good and sufficient Security, to his Majesty, his Heirs and Successors, in double the Sum or Sums he shall receive, with Condition that he will account with the General Assembly for the Sum or Sums he shall so receive from the said Treasurer by Virtue of such Warrant; which Bond shall be taken by, and lodged with the Treasurer, And in Case of a Breach of the Condition thereof, may be put in Suit, and Judgment being obtained thereon, the Money recovered shall be applied towards defraying the contingent Charges of Government, in such Manner as the Governor, Council, and Assembly, shall direct, and to no other Use whatsoever.

XIV. And be it further Enacted by the Authority aforesaid, That the said Sum of Twenty Thousand Pounds shall be, by direction of the Governor, or Commander in Chief for the Time being, applied to the particular Purposes by this Act herein before directed, if necessary; but if a less sum should be found sufficient for the same, the surplus shall be applied towards defraying the contingent Charges of Government, already allowed, or which shall be hereafter allowed by the Governor, Council, and Assembly and to no other Purposes whatsoever.

XV. And be it further Enacted, by the Authority aforesaid, That each able-bodied Man, inlisting voluntarily in the said Service, as soon as may be after inlisting, shall be properly cloathed; for which Expence of Cloathing and furnishing each Soldier with a Blanket, the Colonel shall have an allowance, not exceeding Six Pounds a Man.

XVI. And be it further Enacted, by the Authority aforesaid, That if any Person shall forge or counterfeit any of the above-mentioned Bills of Credit, or shall pass or utter the same in payment or Exchange, knowing the same to be forged or counterfeited, the Offender therein, being Lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without Benefit of Clergy.

XVII. And be it further Enacted, by the Authority aforesaid, That for redeeming the said Public Bills of Credit, a Poll-Tax of Two Shillings, Proclamation Money, be laid on every Taxable Person within this Province, to commence on the First Day of January, which shall be in the Year of our

Lord One Thousand Seven Hundred and Sixty Four, and to continue until the whole Sum to be emitted by this Act shall be paid in and Burnt; Which said Tax shall be collected by the Sheriffs of the several Counties, and accounted for and paid to the Treasurers of the several Districts, in the same Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other Taxes.

XVIII. And whereas for want of an Agent, appointed by Law to represent to his Majesty the Loyalty of the Inhabitants of this Province, and the active zeal they have shewn for his service in the several large Aids (their circumstances considered) granted by them, in support of the common cause, in the present War against the French, and their Indian Allies, to lay before his Majesty and his Ministers proper Documents thereof, and to solicit the affairs of this Province at the several Boards in England; the same has often been misrepresented there, to the great Prejudice of the Inhabitants of this Colony:

XIX. We pray it may be enacted, and be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, that Cuchet Jouvencell, of the City of Westminster, Esq., be, and is hereby appointed Agent of this Province, for and during the term of Two Years, to commence from the first day of October next, after the passing of this Act, to solicit, represent and transact, all such public affairs and business, now relating to this Province, or that shall or may be moved concerning the same at any of the Boards in England, during the said Term or Time, according as he shall from time to time, find occasion, or be directed and instructed by the Committee of Correspondence hereinafter appointed; and that the said Cuchet Jouvencell, in Consideration of his Trouble, Charges, and Expenses, in transacting the Public Business of this Province as Agent, from the first day of October next, be, and is hereby allowed the sum of Two Hundred Pounds Sterl. per Annum to be paid to the said Committee for the use of the said Cuchet Jouvencell, out of the Public Treasury, or out of the Proportion of the Money granted, or to be granted by the Parliament of Great Britain for the use of this Province, by a Warrant from the Governor or Commander in Chief for the time being; which said sum, if paid out of the Public Treasury of this Province, shall be by the said Committee remitted to the said Cuchet Jouvencell, Annually, in Bills of Exchange, to be purchased by the said Committee.

XX. And be it further Enacted, by the Authority aforesaid, That the Honourable John Swann, Lewis De Rosset, and Maurice Moore, Esqs., and Samuel Swann, John Starkey, John Ashe, Cornelius Harnett, and Francis Corbin, Esqs., are nominated and appointed a Committee of Correspondence, from the passing of this Act, and during the Continuance of the said Agency; and that they, or the Majority of them, or the Majority of the Survivors of them, shall, from time to time, during the said Agency, correspond with the said Cuchet Jouvencell, and advise, direct, and instruct him in all such matters relating to this Province as may be moved or solicited before his Majesty in Council, or at any of the Boards in England; and the said Committee shall from time to time, as often as required, lay before the Governor, Council and Assembly, the Advices they shall receive from the said Agent, during the said Agency, and also copies of such dispatches, Orders, and Directions, as they shall send to him,

CHAPTER II.

An Act for an additional Act to an Act intituled, An Act, to make Provision for paying the Chief Justice and Attorney-General's Salaries, and defraying the Contingent Charges of Government.

I. Whereas by the before recited Act, a Poll-Tax of One Shilling and Six Pence, Proclamation Money, was to be levied on each Taxable Person, for the Paying the Chief Justice and Attorney General, and for paying and discharging the Claims of Persons to whom the Public was indebted, and further Charges on the Public; and to commence on the Tenth Day of June, in the Year of our Lord One Thousand Seven Hundred and Fifty Nine, and to continue for the Space of Four Years, and from thence to the End of the next Session of Assembly; which said tax has been found not sufficient to discharge the several Charges and necessary Claims on the Public; For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted by the Governor, Council, and Assembly and by the Authority of the same, That an additional Poll Tax of Two Shillings be levied on each Taxable Person within this Province, for and during the Space of Five Years from and after the Tenth Day of June next; which said Tax shall be paid to, and collected by the several Sheriffs, and accounted for in the same Manner, and to the same Persons and applied to the same Uses, and under the same Regulations and Directions and the like Fines, Forfeitures, and Penalties, as is directed and inflicted by the before recited Act.

CHAPTER III.

An Act to empower the Inhabitants of several Parishes within this Province that have no legal Vestry within their respective Parishes, to meet and elect Vestries.

(Printed in Private Acts, *post.*)

CHAPTER IV.

An Act to appoint Commissioners to further improve and amend the Navigation of New River, in Onslow County, to raise a Fund by Lottery, to defray the Expence thereof.

I. Whereas an Act of Assembly, intituled, An Act to improve and amend the Navigation of New River, in Onslow County, passed in the Year One Thousand Seven Hundred and Forty One, by Reason of the Death of the Commissioners, and Smallness of the Fund, has not answered fully the good purposes thereby intended, although from what was then done the Scheme appears practicable:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That William Cray, Richard Ward and Henry Roads, be, and are hereby constituted, and appointed Commissioners, and authorized and empowered to contract and agree with such Person or Persons as are willing to undertake the same, for the more perfect clearing away and removing the Rock or Shell, or cutting through the Marsh fronting New River Inlet, in such Manner as in their Discretion shall best promote the Navigation thereof; provided the Sum so contracted for shall not exceed Two Hundred Pounds, Proclamation Money.

III. To enable the said Commissioners to discharge the said Contract, Be it Enacted by the Authority aforesaid, That the said Commissioners shall, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery, at the Court House on New River, for the Purposes aforesaid with Power to Issue One Thousand Tickets, to be signed by themselves at the price of Thirty Shillings, Proclamation Money, for each Ticket in Form following:

No.

New River Lottery.

This Ticket Intitles the Bearer to
whatever Prize may be drawn
against the Number, deducting
Fifteen per Cent. as by Act of
Assembly passed in April, 1761.

And on the First Tuesday in November next, at the Court House on New River, shall begin the Drawing of the said Lottery if a sufficient Number of Tickets shall by that Time be disposed of; and the Calculation of the Chances shall be as follows:

Two prizes of.....	£100 is £	200
Two Prizes of.....	50 is	100
Two Prizes of	25 is	50
Ten Prizes of.....	10 is	100
Two Hundred and Five Prizes of.....	5 is	1,025
First Ticket drawn.....		12 10s
Last Ticket drawn.....		12 10s.

At Fifteen Per cent.....£1,500 is £ 225

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Managers to deduct, out of the amount of every Prize, Fifteen per Cent. to be applied as hereafter mentioned: But before any Ticket shall be issued, the said Managers shall give Bond, payable to his Excellency the Governor, and his Successors, in the Penalty of One Thousand Five Hundred Pounds, Proclamation Money, with Condition, for their faithful Discharge of the Trust reposed in them by this Act; which Bond Shall be recorded in the County Court of Onslow, and any Person injured may have Judgment thereon against the Managers.

V. And be it further Enacted, that the said Managers shall, before they enter on the Execution of their office, before any Justice of the Peace for the County of Onslow take the following Oath, viz.:

I, A. B., do solemnly swear, that I will faithfully execute the Office of Manager to the New River Lottery, according to the Directions of the Act of Assembly in that Case made and provided. So Help Me God.

VI. And for the more ready sale of the Tickets, Be it Enacted by the Authority aforesaid, That the Managers, on Disposal of any of the said Tickets, May take Notes from the Purchaser, with Security, if required, in the Form following:

I, or We, do jointly or severally (as the case may be) promise to pay to William Cray, Richard Ward, and Henry Roads, Managers of the New River Lotteries, or their Assigns, the Sum of ——— within Two Months after the Drawing the said Lottery, for Value received for Tickets bought by

witness my hand, the ——— Day of ———.

Which Note shall be deemed valid against the Subscriber, theirs and each of their Persons and Estates; and the Managers shall be intitled to demand and receive the Sum therein mentioned from the subscribers; and on neglect or refusal of Payment at the time limited for Payment being expired, may, on application to any One Magistrate, obtain a Warrant, and on Judgment have Execution thereon; which said Magistrate is hereby Authorized and impowered to grant, in the same Manner as he may in other Matters under the Value of Forty Shillings by the Law now in Force.

VII. And be it Enacted, That the said Managers may take Twenty Five Pounds, or Notes to that amount, as Satisfaction for keeping the Accounts, drawing the Lottery and whole Charge thereof and no more; and the remaining Two Hundred Pounds shall be applied to the amending the Navigation of New River; and to no other purpose whatsoever. Provided nevertheless, That if the whole Sum of Two Hundred Pounds shall not be expended in the improving the Navigation as aforesaid, the Residue thereof unapplied shall go in Aid of the County Tax of Onslow.

CHAPTER V.

An Act to amend and Improve the Navigation from Currituck Inlet through the District in Currituck County, to Albemarle Sound. Rep.

CHAPTER VI.

An Act to Impower the Inferior Court of Pleas and Quarter Session for the County of Northampton, to lay a Tax to pay sundry Persons who have suffered by the burning of Pace's Warehouse in the said County; and other Purposes.

I. Whereas the Public Warehouse in the County of Northampton called Pace's Warehouse, was lately by accident burnt with a great Quantity of Tobacco, belonging to sundry Persons in the said County; and there being no Law now in Force to ascertain the Method of raising a Sum of Money sufficient to pay and satisfy the Loss thereof to the Sufferers; For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted by the Governor, Council and Assembly, and by the Authority of the Same, That the said Inferior Court of Pleas and Quarter Sessions, for the County of Northampton, is hereby authorized and directed, upon application made to them by any Person that had Tobacco burnt in the said Warehouse, and Proof made thereof, to allow such Person so much Money as he shall make appear he has sustained by such Warehouse being burnt; and to lay a Tax on the Inhabitants of the said County, sufficient to pay and satisfy all such Loss as such Person shall make appear he has sustained thereby; Which said Tax shall be collected by the Sheriff, in the same Manner, and under the like Rules and Restrictions, Fines, Forfeitures, and Penalties, as are directed and inflicted by Law in paying and collecting other Taxes.

III. And be it further Enacted, by the Authority aforesaid, That the Inferior Court of Pleas and Quarter Sessions, upon application made to them, by any Person as aforesaid, having a Claim on the said County for Tobacco burnt in the aforesaid Warehouse, shall order and direct the Sheriff, after col-

lecting the aforesaid Tax as aforesaid, to pay so much Money out of the same to any such Person as shall have been allowed by such Court.

IV. And whereas there was no Court held for the said County in the Year One Thousand Seven Hundred and Sixty, or Magistrates qualified at the Times by law appointed for taking the List of Taxables; by Means whereof, there was no Public, County, or Parish Tax, collected for that Year; Therefore Be it Enacted, by the Authority aforesaid, That the Sheriff of the aforesaid County is hereby directed and authorized, to collect from the Taxable Persons of the aforesaid County, the Public Taxes, already imposed by the several Acts of Assembly of this Province, by the List of Taxables returned by the Justices of such County, in the Year One Thousand Seven Hundred and Fifty-nine, and account for the same to the Treasurer, in the same Manner, and under the like Rules and Restrictions, as he is by Law to account for and pay other public Taxes; and the Justices of the aforesaid Inferior Court, and the Vestry of the Parish of St. George, within the said County of Northampton, respectively, shall, as soon as convenient may be, lay such Tax on the county or Parish (as the Case may be) for defraying and paying all such County or Parish Debt or Debts, and which ought to have been collected and paid in the year One Thousand Seven Hundred and Sixty, and apply the Monies thereby arising, to such Use or Uses as the same was levied for; any Law, Usage or Custom to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That if any Public Warehouse shall hereafter be burnt with Tobacco therein, sent from any other County than that wherein such warehouse shall be, the loss sustained thereby, shall be made good to the sufferers by the County where such tobacco shall have been made; and upon due Proof made thereof to the Inferior Court of the County where such Tobacco shall have been made, such Court is hereby directed and impowered, to allow for the same, and lay a Tax on the Inhabitants thereof sufficient to pay and satisfy such loss: which said tax shall be collected by the Sheriff, in the same manner as other taxes; and the Sheriff shall pay the money so to be collected, to such person as the said Court shall order, having a claim for such Tobacco burnt as aforesaid.

VI. And be it further Enacted by the Authority aforesaid, That in either of the aforesaid Cases, if there shall be a greater Sum of Money levied and collected by Virtue of this Act than will be sufficient to answer the Purposes thereby intended, the overplus shall be applied towards discharging the Debts of the County, where the same shall be laid.

CHAPTER VII.

An Act for Altering the Times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern; and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange, and Carteret; and for other Purposes.

V. And whereas giving a power to Two Justices to take Cognizance of, and determine all debts above the Value of Twenty Shillings, Proclamation Money, and not exceeding Forty Shillings, like Money, from the great Difficulty and Inconvenience of getting Two Justices together, has been found not to answer the Purpose by Law intended; wherefore be it Enacted, by the Authority aforesaid, That all Debts and Demands, not exceeding Forty Shillings, Proclamation Money, shall, and are hereby declared to be cognizable

and determinable by any one Justice of the Peace; who shall have full Power and Authority to give Judgment, and thereupon to award Execution against the Goods and Chattels, or body of the Debtor, or Party against whom Judgment shall be given; but if either of the Parties shall be dissatisfied with the Judgment given by any Justice, he may appeal to the next Inferior Court of Pleas and Quarter Sessions, under the same Rules and Regulations, as are directed by an Act, intituled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province

VII. And be it further Enacted, by the Authority aforesaid, That so much of One Act of Assembly, intituled, An Act for establishing Superior Courts of Pleas and Grand Sessions, and regulating the Proceedings therein; and also, so much of one other Act, intituled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province as relate to any Matter or Thing within the Purview of this Act, are hereby repealed and made void.

CHAPTER VIII.

An Act for building a Court House in the Town of New Bern, in the County of Craven for raising a Tax, and for appointing Commissioners for building the same; and for repealing an Act passed at Wilmington the 20th Day of November, 1759, intituled an Act, for appointing Commissioners for finishing the Court House already begun in the Town of New Bern; and for other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER IX.

An Act to prevent the Exacting of illegal and exorbitant Fees in levying Executions by Sheriffs, and other Officers.

I. Whereas there is not any Law in Force in this Province to oblige the several Sheriffs to deliver an Account, or Bill of their Fees, on levying of any Execution; For want of Which, many illegal and exorbitant Fees have been exacted, to the great Oppression of Suitors, and others;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of June next, each and every Sheriff within this Province, shall, on levying any Execution for any Debt, Damages, or Costs, for which such Execution shall issue, make out a Bill of his Fees due on such Action or Suit; and set down under the said Bill, the amount of the Clerk's, Attorney's, or other indorsed Fees separately and distinctly, and give Receipt for the same to the Party against whom such Execution shall issue; and also shall indorse the Amount of his own Fees he shall so take, on the Back of such Execution, to be entered by the Clerk on the Execution Docket; And in Case any Sheriff within this Province, or any other Person authorized to levy any Execution, shall fail or neglect to make out such Bill of his Fees, and set down the Clerk's, Attorney's and other indorsed Fees as aforesaid; and also indorse his own Fee on the Back of the Execution as aforesaid, the Sheriff or other Person so failing, shall Forfeit and pay the Sum of Ten Pounds Proclamation Money; To be recovered by Action of Debt, in the Court from whence such Execution issued; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of; one Half of which Sum shall go to the Party who shall sue

for the same, and the other Half to be applied towards the contingent Charges of the County wherein such Sheriff resides.

CHAPTER X.

An Act for amending an Act, intituled, An Act for dividing the Parish of St. John, in Granville County.

I. Whereas by an Act of Assembly passed at Edenton the Twenty Third Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, intituled, An Act for dividing the Parish of St. John's in Granville County, it was Enacted, That the said Parish should be divided by a Line beginning at Cotton Creek, where the Virginia Line crosses the same; and there be no such Place found, by which means Disputes are likely to arise between the Inhabitants of each Parish concerning the said Line: For Prevention whereof,

II. We pray that it may be enacted, And be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That at any Time after the First Day of May next, the said dividing Line be run as followeth, to-wit, To begin where Jefferson's Road now crosses the Virginia Line, running thence a direct Line to Horse Creek, where Johnson County Line crosses the said Creek; and all that part of the said Parish formerly called St. John's, which shall be Eastward of the said Line shall remain and be called the Parish of St. John's; and all that part of the said parish which shall be to the westward of said Line, shall be held, deemed, taken, and called the Parish of Granville.

III. And be it further Enacted, by the Authority aforesaid, That Mr. Robert Harris, Mr. Richard Henderson, Mr. William Johnston, and Mr. Gideon Macon, and they or any Two of them, are hereby appointed Commissioners to run the said Line; and that the Parish of Granville bear the expence of the same, to be paid by the Church Wardens out of the Parish Tax.

IV. Provided, That nothing herein contained shall be construed to debar the Sheriff or Collector of the Parish of St. John's, from making Distress for any Levies or Taxes which shall be due to said Parish from such Inhabitants, as were deemed before the passing of this Act to be within the Parish of St. John's, anything herein contained to the contrary, notwithstanding.

CHAPTER XI.

An Act for adding Part of Orange County to Johnston County, and for ascertaining the Dividing Line between the said Counties.

I. Whereas the Inhabitants of that Part of Orange County lying upon Neuse River labour under great Inconveniency, by reason of the Great Distance to the Court House of the same County;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That that Part of Orange County, lying on Neuse River, be added to the County of Johnston; and be divided by a Line to begin at the South West Corner of Granville County, and running thence to a due South Course to Johnston or Cumberland County Line, which of the said County Lines it may first intersect.

III. And be it further Enacted, by the Authority aforesaid, That William

Churton and Theophilus Hunter be, and they are hereby appointed Commissioners to run the said Line.

IV. And for defraying the Charges thereof, Be it Enacted, by the Authority aforesaid, That the Inferior Court of Pleas and Quarter Sessions of Johnston County be, and is hereby impowered, to lay a Poll Tax, not exceeding the Sum of Four Pence, Proclamation Money, per Taxable, upon the Inhabitants of Johnston County, and shall cause the same to be levied in the same Manner that the Public Taxes are levied; and shall, out of the Money arising by the said Tax, pay and satisfy the Commissioners aforesaid, for their Trouble and Charges expended in running the Lines aforesaid, and shall apply the Money remaining (if any there be) to the Use of the County.

V. And be it further Enacted, by the Authority aforesaid, That the Part of Orange County hereby added to Johnston County, from henceforth shall be deemed, held and taken to be Part of the County of Johnston; and that the Inhabitants thereof be subject and liable to the same Rules, Orders, and Taxes, as any other of the Inhabitants of the said County now, or shall hereafter be subject or liable to; any Law, Usage, or Custom, to the contrary, notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the aforesaid County of Orange, as the same stands now undivided, to make Distress for any Taxes, Levies, Fees, or other Dues, that are now, or shall be due from the inhabitants of the said County for the Year of Our Lord One Thousand Seven Hundred and Sixty, or before, that he may make Distress in the same Manner as by Law the said Sheriff could or might have done if the said County had remained undivided; and the said Levies, Fees and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithstanding.

CHAPTER XII.

An Act for enlarging the Time for Inspection of Tobacco at the Public Warehouse in the Town of Tarborough, in the County of Edgecomb, and for increasing the Salaries of the Inspectors thereof.

I. Whereas it has been represented to this Assembly, that by Reason of the great Quantity of Tobacco brought to the Inspection at the Town of Tarborough, in the County of Edgecomb, the Inspectors officiating at the said Inspection, cannot discharge the Duty of their Office in the Time limited by the former Acts of Assembly of this Province; For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Tenth Day of July next, the Inspectors of Tobacco for the aforesaid Warehouse, shall constantly attend the said Warehouse, from the First Day of October until the last Day of March, Sundays, and Holy Days, or when hindered by Sickness, excepted, and shall receive and inspect all Tobaccos brought to the said Warehouse within the Time Limited as aforesaid, under the same Rules and Restrictions, and the like Pains and Penalties, as by the former Acts of Assembly of this Province are inflicted and directed; And that the said Inspectors, for their Services in attending the said Inspection, shall be paid the Sum of Forty Pounds, Proclamation Money, each, Annually, instead of the Salaries by the Former Acts of Assembly of this Province specified.

CHAPTER XIII.

An Act to appoint Commissioners of the Roads for a certain District in Bladen County.

(Printed in Private Acts, *post.*)

CHAPTER XIV.

An Act to impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person deceased to be given in Evidence. Expunged.

CHAPTER XV.

An Act to dock the Entail of certain Lands therein mentioned, vesting the Fee-simple thereof in Blake Baker, and for settling other Lands in Lieu thereof to the same Uses.

(Printed in Private Acts, *post.*)

Read Three Times and ratified in open Assembly, 23rd Day April, 1761.

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

SAMUEL SWANN, Speaker.

LAWS OF NORTH CAROLINA, 1762.

At an Assembly, begun and held at New Bern, the Third Day of November, in the Third Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty Two; being the First Session of this present Assembly. *Arthur Arthur Dobbs, Esq., Governor.*

CHAPTER I.

An Act for dividing this Province into Five several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein.

I. Whereas the establishing Superior Courts of Justice within this Province will be productive of much Ease to the Inhabitants thereof, and greatly tend to the due and regular Administration of Justice, and the Punishment of Offenders against his Majesty's Peace and Government.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from henceforth, this Province shall be divided into Five Districts; that is to say, The Wilmington, New Bern, Edenton, Halifax, and Salisbury Districts; in each of which shall be a Court for the Tryal of Causes, Civil and Criminal, established, by the Name of the Superior Court of Justice for that District in which the same shall be held; which Court shall consist of the Chief-Justice for the Time being, and one Associate Justice in each District, (the District of Salisbury excepted) whom the Governor or Commander in Chief for the Time being shall constitute and appoint; who shall have Cognizance and legal Jurisdiction of all Suits and Pleas, real, Personal, and mixt; and also of all Suits and Matters relative to Legacies, filial Portions Estates of Intestates, all Pleas of the Crown, whether for Treason, Felonies, Breach of the Peace, or other Crimes of Transgressions of what Nature or Degree soever, whether brought before them by Original or Mesne Process, or by Writ of Error, or appeal from any Inferior Court, or by any other Means or Process whatsoever; and they are hereby declared to have full power and Authority to give Judgment therein, and to award Execution, and all necessary Process thereupon; and to make Orders for issueing Letters Testamentary, and Letters of Administration, and shall have, use, exercise, and enjoy the same Powers and Authorities, Rights, Privileges, and Pre-eminences, as are had, used, exercised, and enjoyed by the Chief Justice, or any of his Majesty's Justices at Westminster.

III. And be it further Enacted, by the Authority aforesaid, That in Case of the Death or Absence of the Chief Justice, it shall and may be lawful for the said Associate Justice so to be appointed as aforesaid, within each District respectively, to hold any of the said Courts, and to take Cognizance of all Matters in the same depending, and give Judgment, and award Execution thereon, in the same Manner as might have been done in Case the Chief Justice had been present in Court.

IV. Providd nevertheless, That the Associate Justices so to be appointed for the Districts of Wilmington, New Bern, Edenton, and Halifax, shall not

proceed to hear and determine any Matter of Law, in any of the said Courts, upon any Demurrer, Case agreed, special Verdict, Bill of Exception on Motion in arrest of Judgment, in the Absence of the Chief Justice.

V. And be it further Enacted, That no Suits shall be Originally commenced or prosecuted in any of the said Courts, for any Debt or Demand of Less Value than Twenty Pounds Proclamation Money where the Plaintiff and Defendant shall live in the same County; or less than Ten Pounds where the Plaintiff and Defendant shall live in the same District; and if any Suit shall be commenced in any of the said Courts contrary to this Act, the same may be abated, on the Plea of the Defendant.

VI. And be it further Enacted, by the Authority aforesaid, That the Chief Justice, or either of the Associate Justices, may, as well within Court as without, in their several Districts, take the Probate or Acknowledgment of Deeds, or Letters of Attorney, and the private Examination of Feme-Coverts, as hath heretofore been done by the Chief Justice in like Cases; and such Associate Justice is hereby authorized to take and receive the same Fees and Perquisites, as the Chief Justice is Intitled to for the like Services; which Proofs shall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Usage to the contrary notwithstanding.

VII. And be it further Enacted, by the Authority aforesaid, That the said Superior Courts shall and may, each of them, respectively, by Summons, or other legal Process, upon application made, compel any Person or Persons whatsoever having in their Possession or Custody, any Will or Testament of any Deceased Person, to exhibit the same to the Court, in Order to a legal Probation Thereof; and also to receive the Probate of Wills and Order the same to be recorded; and the Clerk shall and may take Two Shillings and Eight Pence, Proclamation Money, for recording each Will.

VIII. Provided always, That any Person who hath a Right to execute any Will or to administer the Estate of an Intestate, who shall think himself injured by such Order, may enter a Caveat in the Court wherein such Order shall be made, against the Person obtaining the same; in which Case the Clerk of such Court shall not grant any Certificate of such Order till Twenty Days after passing the same; and the Secretary and His Deputy, shall forbear to seal and countersign Letters Testamentary, or of Administration till the Matter in Controversy shall be reheard and determined before the Governor or Commander in Chief for the Time being, and Council.

IX. And for the better preserving of Wills proved before the said Courts, Be it Enacted, by the Authority aforesaid, That all Original Wills shall remain in the Clerk's Office among the Records of the Respective Superior Courts where they shall be proved, and be recorded by the Clerk of such Court in Books to be kept for that Purpose; for which service he shall receive the same Fees as by Law the Secretary was intituled to; whereunto any Person may have recourse as to other Records, except for the Time the same shall, or may be removed before any other Court, upon the Determination of any Controversy.

X. And be it further Enacted, by the Authority aforesaid, That the Clerk of every Superior Court aforesaid, in the Month of October, Annually, shall return to the Secretary's Office, List of all Certificates for obtaining Probates or Administrations granted by their respective Courts, from Time to Time, containing the Names of the Testators or Intestates, their Executors or administrators, and the Names of the Securities; which Lists the Secretary is hereby required to cause to be recorded in his Office, Alphabetically, in the Books for that Purpose; and shall and may take and receive Two Shillings

and Eight Pence, Proclamation Money, for every such Order therein Mentioned.

XI. And for the safety of suitors, and to prevent Irregularities in making up the Records of the Court; Be it Enacted by the Authority aforesaid, that the Chief Justice be, and is hereby impowered, to appoint experienced and Discreet Clerks of the Superior Courts; who shall each of them give Bond, with good and Sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of Two Thousand Pounds Sterl. for the safe Keeping the Records, and faithful Discharge of his Duty in his Office; and also shall take the Oaths by law appointed for the Qualification of Public Officers, repeat and subscribe the Test, and also take an Oath honestly and truly to demean himself in Office during his Continuance therein; and likewise the following Oath, to-wit:

I, A. B., do swear that by myself, or any other Person, neither have or will give, to any Person whatsoever, any Gratuity, Gift, Fee or Reward, in Consideration of my appointment to the Office of the Clerk of the Superior Court for the District or _____.

Which said Bond shall be lodged in the Secretary's Office and in Case of a Breach of the Condition thereof, may be put in Suit for the Benefit of, and at the Proper Costs and Charges of the Party or Parties injured, and shall not become void upon the First recovery, or if Judgment shall be given against the King, but may from Time to Time, be put in Suit by Action of Debt, or Scire Facias, until the Whole Penalty shall be recovered and when any Judgment shall be obtained upon such Bond, the Damages Assessed, shall by Order of the Court, be paid to the Person or Persons Injured.

XII. And be it further Enacted, by the Authority aforesaid, That the Chief Justice, for his Trouble and Expence in attending the said Courts, shall have and receive the Sum of Twenty Six Pounds for each of the said Courts he shall hold, according to the Directions of this Act; and in Case of the Absence of the Chief Justice, and not otherwise, the said Twenty Six Pounds shall be paid to the Associate Justice who shall hold such Court; and the Attorney General shall likewise be allowed and receive the Sum of Twelve Pounds for each of the said Courts he shall give his Attendance at, by himself or Deputy, to be paid out of the Public Treasury by half Yearly Payments.

XIII. And be it further Enacted by the Authority aforesaid, That the Chief Justice, and the other Associate Justices of the Superior Courts, shall before they act in either of the said Courts, take the Oaths by Law appointed for the Qualification of Public Officers, and repeat and subscribe the Test, and also take the following Oath of Office, to-wit:

I, A. B., do swear, that I will well and truly serve our Sovereign Lord the King, and his People, in the Office of Chief Justice, (or Associate Justice, as the Case may be) of the Superior Courts of Justice of the Province of North Carolina; and I will not Council nor assent to any Thing that may tend to the Hurt or Disinheriting the King; I will do equal Law and Right to all the King's Subjects, Rich and Poor, without having Regard to any Person; I will not willingly or Wittingly, take by myself, or any other Person, any Gift or Reward whatsoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed; I will not maintain, by myself, or any other, privately, or openly and plea or Quarrel hanging in any of the King's Courts; I will not delay any Person of Common Right for the Letter of the King, or any other Person to me for any Cause; And in Case any Letters come to me contrary to Law, I will do no

thing for such Letters, but will proceed to do the Law the said Letters notwithstanding; and finally in all things belonging to my said Office, during my continuance therein, I will Faithfully, truly, and Justly, according to the best of my Skill and Judgment, do equal and impartial Justice. So help me God.

And if the Chief Justice, or either of the Associate Justices shall presume to act in his Office in either of the Superior Courts, without taking the Oaths, and subscribing the Test, by this Act directed to be by him taken and subscribed, he shall forfeit Five Hundred Pounds; to be recovered by Action of Debt, Bill, or Plaint, or Information, in either of the Superior Courts of Justice; one Half to the Use of His Majesty, his Heirs and Successors, towards defraying the Charges of Government, and the other Half to the Informer.

XIV. And be it Enacted by the Authority aforesaid, That the Superior Courts of Justice, shall annually be held for the several Districts in this Province, at the following Times and Places; that is to say, For the District of Edenton, at the Town of Edenton, for the Counties of Chowan, Perquimons, Pasquotank, Currituck, Bertie, Tyrel, and Hertford, on the Twentieth Day of May and November.

In the District of Halifax at the Town of Halifax, for the Counties of Northampton, Halifax, Edgecomb, Granville, Johnston, and Orange, on the First Day of March and September.

In the District of Salisbury, in the Town of Salisbury, for the Counties of Rowan and Anson, on the Twenty Second Day of March and September.

In the District of Wilmington, at the Town of Wilmington, for the Counties of New Hanover, Bladen, Onslow, Duplin and Cumberland, on the Fifteenth Day of April and October.

In the District of New Bern, at the Town of New Bern, for the Counties of Craven, Carteret, Beaufort, Hyde, Dobbs, and Pitt, on the Second Day of May and November.

And each Term shall continue Ten Natural Days, exclusive of Sundays, by Adjournment, de die in diem, if the Business shall require so long Time, otherwise may be sooner determined.

XV. Provided always, That if the Day by this Act appointed for Holding any of the said Courts, shall fall on a Sunday, then such Court shall be held the next succeeding Day; any Thing herein contained to the contrary notwithstanding.

XVI. And be it further Enacted, by the Authority aforesaid, That all real Actions, Ejectments, and Actions of Trespass, Quare Clausum Frigit, Suits on Penal Statutes, and Pleas of the Crown, shall be commenced and prosecuted in the Superior Court of the District wherein the Cause of Action shall have arisen, or the Offence shall have been committed, and not in any other District; unless for Riots, Insurrections, or Transgressions, wherein Two or more Persons shall have been Jointly concerned; in either of which Cases it shall and may be lawful for the Party aggrieved, or the King's Attorney General, to prosecute such Malefactors in the Superior Court in any other District than that in which the Offence shall have been committed; any Thing herein contained to the contrary notwithstanding, And all Actions of Debt, other than on Penal Statutes, all Actions of Detinue, Replevin, Actions of Account Render, Actions of Trespass for Assault and Battery, and for the unlawful taking of Goods, all Actions upon the Case, and suits for Legacies, or for the Distributive Shares of Intestates Estates, where the Plaintiff and Defendant,

(Torn out from XVI to XXVIII.)

XXVIII. And for the better ascertaining what Process shall issue when the Sheriff shall return, that the Defendant is not to be found in his Bailiwick, Be it Enacted, That when the Sheriff shall make return as aforesaid, in any Civil Action, the Plaintiff or Plaintiffs, at his or their Election, may sue out an Attachment against the Estate of such Defendant, or an Alias, or Pluries Capias, until he be arrested, returnable as is hereinbefore directed for the Return of Original Process; and if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to plead within the Time herein-after directed, the plaintiff shall be intitled, if an Action of Debt, to final Judgment, and if in an Action on the Case, a Judgment by Default, and a Writ of Enquiry of Damages to be Executed at the next Court; and the Goods so attached, if not replevied or sold according to the directions hereinafter mentioned for Goods attached on original Attachments shall remain in the Custody of the Sheriff till such Judgment obtained, and then to be disposed of in the same manner as Goods taken in Execution on a Writ of Fieri Facias, and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

XXIX. And be it further Enacted by the Authority aforesaid, That it shall be lawful for the Chief Justice, or the Justices of the said Superior Courts, or any Justice of an Inferior Court, upon Complaint made by any Person, his Attorney or Agent, on Oath, that his Debtor has removed, or is removing himself out of the County privately, or absconds or conceals himself, so that the Ordinary Process of Law cannot be served upon him; and also further swear to the amount of his or her Debt to the best of his or her Knowledge, shall thereupon grant an Attachment against the estate of such Debtor, and wherever the same shall be found, or in the Hands of any Person or Persons, indebted to, or having the Effects of the Party absconding, or so much thereof as shall be of value sufficient to satisfy the Debt and Costs of such Complaint, which attachment shall be returned to the Court where the Debt

(It is torn out to XXXI.)

XXXI. And be it further Enacted, That when any Person Inhabitant of any other Government, shall be indebted to, or hath done any Tort or Injury to any Person a Resident of this Province, and cannot personally be served with Process, and hath Effects in this Government, any of the said Justices may grant an attachment against the Estate of such Person indebted, or who hath done any Tort or Injury as aforesaid, under the Rules, Restrictions, and Regulations aforementioned; and the same Proceedings may be had thereon.

XXXII. And be it further Enacted, by the Authority aforesaid, That when Goods or other Estate shall be attached by Virtue of an Attachment, whether Judicial or Original, it shall and may be lawful for such Person or Persons, his, her, or their Attorney, to replevy the same, by giving Bond with good Security, to the Sheriff or other Officer serving the said Attachment, (which Bond the Sheriff or other Officer is hereby impowered and required to take) to appear to the Court to which the Attachment shall be returnable, and to abide by, perform, and satisfy the Order and Judgment of such Court; And when the Estate attached shall, by Three Justices of the County, to be summoned by the Sheriff for that Purpose, be certified, on Oath to be perishable, if the Person or Persons to whom it belongs shall not, within Thirty Days after serving such Attachment, replevy the same, then such Estate shall be sold at public Vendue by the Sheriff or other Officer serving such attachment, such Sheriff or other Officer having first advertised such sale at the Court House and other Public Places in his County at least Ten Days before

the Sale; and the Money arising by such Sale shall be liable to the Judgment obtained upon such Attachment or other Order of such Court; And where the Sheriff or other Officer shall serve an Attachment in the Hands of any Person or Persons indebted to, or having any of the Effects of the Party absconding, he shall, at the same Time, summons such Garnishee or Garnishees to appear at the Court to which the Attachment is returnable within the first four Days thereof, there to answer upon Oath, what he or she is indebted to such Party, and what Effects of such Party he or she, hath in his, or her hands, and had at the Time of serving the attachment; and where any Attachment shall be returned served in the hands of any Garnishee in Manner aforesaid, it shall be lawful, upon his or her appearance, and Examination in Manner afore mentioned, to enter upon Judgment and award Execution against every such Garnishee or Garnishees for all Sums of Money due from him, her, or them, to the Person Absconding, or in his, her, or their Custody or Possession, for the Use of the Party obtaining such attachment, or so much thereof as shall be of Value sufficient to satisfy the Debt and Cost of Complaint; and all Goods and Effects whatsoever in the Hands of any Garnishee or Garnishees belonging to such absconding Persons, shall be liable to satisfy such Judgment; And where any Garnishee shall be returned by the Sheriff or other Officer Summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, in Manner by this Act Directed, it shall be lawful, and the Court is hereby authorized to enter a Conditional Judgment against such Garnishee; and if he shall fail to appear at the next Court, and Discover on Oath, in Manner aforesaid the Court shall, and are hereby required to confirm such Judgment, and award Execution for the Plaintiff's whole Debt or Damages, and Costs.

XXXIII. And whereas divers Persons, possessed of Lands, Hereditaments, and Tenements within this Province, having contracted, or who may contract Debts with Merchants and others; or have committed, or may commit Torts or Injuries to Persons therein, and reside out of the Province, without having Personal Estate within the same to satisfy such Debts or Damages; For Remedy Whereof, Be it Enacted by the Authority aforesaid, That any Justice may and shall grant an Attachment, at the Prayer of the Person or Persons, his or their agent or Factor, to whom such Debtor or Debtors shall be indebted, or to whom such Tort or Injury hath or may be done, directed to the Sheriff of the County where the Lands lie, returnable to the Court wherein the Same is Cognizable; and if the Sheriff return, that the Person has no Personal Estate within his Bailiwick, the Court shall grant Judgment by Default (which Judgment, in Action of Debt, shall be final) at the next Court and in other Actions, a Writ of Enquiry shall be executed, on the Plaintiff's Motion, and a Writ of Fieri Facias shall be awarded, returnable to the next Court after such Final Judgment; by Virtue whereof, the Sheriff, if he cannot find Personal Estate of the Defendant within his Bailiwick sufficient to satisfy such Judgment, and Costs, shall sell such Lands and Tenements, having given Public Notice of such Sale at the Court House, and every Church and Chappel within his County, for one Month at least before the Day appointed for the same, and shall give the Purchaser a Deed of Bargain and Sale; which shall, and is hereby declared to be good and Effectual in Law, to convey all the Right, Title, Property, and Estate of the Defendant or Defendants in such Lands or Tenements; and out of the Money arising by such sale, shall satisfy and pay the said Judgment, and Costs and pay the Overplus (if any) to the Defendant or Defendants.

XXXIV. Provided always, That it shall be lawful for any Person against

whose Estate any Attachment has issued as aforesaid, at any Time before such final Judgment entered, or writ of Enquiry Executed upon giving Special Bail, to replevy the Goods attached, and plead to issue, so that the Plaintiff is not thereby delayed of his Tryal.

XXXV. And for Prevention of Error in the Issuing Attachments, and taking Bonds thereupon; Be it Enacted by the Authority aforesaid, That the following Form shall be observed and Used; that is to say, The Attachment as followeth, to-wit, North Carolina, ——— County, ss.: George, the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Sheriff of ——— County, Greeting. Whereas, A. B. hath complained, on Oath to C. D. our Chief Justice of the Province of North Carolina, (or the Associate of the Superior Court or one of the Justices of the Inferior Courts of the County of ——— as the Case may be) That E. F. late of your County, Planter, is justly indebted to him in the Sum of ——— (or hath endamaged him to the Amount of ——— as the Complaint shall be made) and Oath having also been Made, that the said E. F. hath removed himself privately out of your said County, or so absconds or conceals himself that the Ordinary Process of Law cannot be served on him, and hath given Bond and Security according to the Directions of the Act of Assembly in such Case made and provided; We therefore command you, that you attach the Estate of the said E. F. (if to be found in your Bailiwick) or so much thereof, repleviable on Security, as shall be of Value sufficient to satisfy the said Debt or Damages, (according to the complaint) and Costs; and such Estate so attached, in your Hands to secure, or so to provide, that the same may be liable to further Proceedings thereupon to be had at our next Superior Court, to be held for the District of ——— at the Town of ——— on the ——— Day of ——— next, so as to compel the said E. F. to appear and answer the above Complaint of the said A. B. when and where you shall make known to our said Court how you shall have Executed this Writ. Witness ——— our said Chief Justice of our said Province, at ——— aforesaid, the ——— Day of ——— in the ——— Year of our Reign.

Which attachment shall be signed by the Chief Justice, or other Justice, who shall grant the same; and the Bond to be given on obtaining such Attachment shall be in the following Form, to-wit:

Know all Men by these Presents, That we A. B., C. D. and I. K., all of the County of ——— are held and firmly bound unto E. F. in the Sum of ——— (double the Sum in the Attachment) to be paid to the said E. F., his Executors, Administrators, or Assigns; To which Payment well and truly to be made, we bind ourselves, and each of us, our, and each of our Heirs, Executors, and Administrators jointly and severally, firmly by these Presents. Sealed with our Seals and Dated this ——— Day of ——— in the Year of our Lord. The Condition of the above Obligation, is such, that whereas the above bounden A. B. hath, the Day of the Date of these Presents, prayed an Attachment against the Estate of the above mentioned E. F. for the Sum of ——— (the Sum complained for) and hath obtained the same, returnable to the next Superior Court to be held for the District of ——— on the ——— Day in ——— next: Now if the said A. B. shall prosecute his said Suit with Effect, or in Case he be cast therein, shall well and truly pay and satisfy to the said E. F. all such Costs and Damages as shall be awarded and recovered against the said A. B., then the above Obligation to be void; otherwise to remain in full Force and Virtue.

XXXVI. And be it further Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed in the Superior Courts, to-

wit, The Plaintiff, shall file his Declaration in the Clerk's Office on or before the Second Day of the Term to which his Suit is brought, and serve the Defendant with a Copy at least Five Days before the Commencement of such Term, otherwise the Action shall be abated, upon the Plea of the Defendant. That the Defendant shall appear and plead, or demur within the First Three Days of the Term to which the Writ is Returnable, otherwise the Plaintiff may have Judgment by Default in which Case Judgment shall be final, unless where Damages are to be suggested on the Roll; and in that Case, and in all others where the Recovery shall be in Damages, a Writ of Enquiry shall be executed at the next term, Provided, That where the Nature of the Action requires special Pleading, the Time for Pleading may be enlarged by the Court.

That where the Defendant Pleads specially, the Plaintiff shall reply or demur in Three Days, or a Non-pros may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Issue, the Defendant shall join Issue, or Demur, in Three Days, or the Plaintiff may have Judgment; and when the Defendant rejoins to the Plaintiff's Replication he shall file his Rejoinder in Three Days, or Judgment shall go against him unless the Time for pleading shall be enlarged as aforesaid; and the same Time shall be given, and Rules observed, through the Whole Course of the Pleadings.

That all Issues shall be tried at the Term next succeeding after Issue joined, without Notice of Tryal on either side; nor shall any Cause be delayed or continued longer without special Cause shewn to, and approved by the Court.

That the Clerk of every Court, before the Commencement of the Term, shall enter, in a particular Docket to be kept for that Purpose, all such Causes, and those only, in which any issue is to be tried, or Damages to be enquired special Verdict, Case agreed, or Demurrer to be argued, in the same Order as the Suits stand in the Course of Proceedings.

That when a Special Verdict shall be found, Case agreed, Demurrer, or Bill of Exception to Evidence tendered, Time shall be allowed, upon Motion of either Party, to the next Term to argue the same.

That for the more entire and better Preservation of the Records of the Courts when any Cause is finally determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book well bound, so that an entire and perfect Record may be made thereof.

That all Jury Causes be first tried.

That all Motions in arrest of Judgment, shall be argued within the Three last Days of the Term the Issue is Tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons, in Arrest of Judgment, the next Day after such Motion.

That Arguments on Writs of Error, Special Verdict, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates Estates, shall be heard within the Four last Days of the Term.

That when any final Judgment shall be obtained, the Clerk shall allow a Lawyer's Fee in the Bill of Costs, if the Party employed one, which is hereby declared to be Thirty Shillings, Proclamation Money.

That no Plea of Abatement shall be received in any of the said Courts, unless the Party offering the same shall, by affidavit, or otherwise, prove the Truth of such Plea.

That where a Plea in abatement shall be pleaded in any Action in either of the said Courts depending, and upon Argument, the same shall be adjudged

insufficient, the Plaintiff or Plaintiffs shall recover, against the Defendant full costs, to the Time of overruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted, and the Plaintiff in Replevin, or the Defendant, in any other Action, may Plead as many several Matters as may be necessary for his Defence, so as he be not admitted to plead and demur to the Whole.

XXXVII. And be it further Enacted, That all the Statutes of Jeosails, and Amendments which are now in Force in England, are hereby declared to extend to, and be in Force in this Province; and shall be duly observed by all Judges and Justices of the several Courts of Record within the same, according to the true Intent and Meaning of the said Statutes.

XXXVIII. And be it further Enacted, by the Authority aforesaid, That the following Orders, Rules, and Methods, for taking the Testimony of Witnesses, in all Causes to be depending in the said Courts, be observed and put in Practice, to-wit:

That in all Causes where Witnesses are to appear at either of the said Courts, a Subpoena shall be issued by the Clerk, directed to the Sheriff of the County where the Witness or Witnesses reside, mentioning the Time and Place for their appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Instance they are summoned.

That every Subpoena, returnable immediately, shall be personally served on any Person who shall be thereby summoned as a Witness to attend any of the said Courts.

That a Copy of every Subpoena, issued by the Clerk, in the Vacation, and Returnable to the First, or any other Day of the Term, in Case the Witness or Witnesses to be thereby Summoned are not found at Home, may be left at the usual Place of Residence of such Witness or Witnesses; and the leaving such Copy as aforesaid, shall be a good and legal Service; and the Person or Persons thereby summoned, are bound to appear, under the like Penalty as if Personally summoned.

XXXIX. And be it further Enacted, by the Authority aforesaid, That if any Person be summoned to attend as aforesaid, or for whom such Copy of a Summons shall be left, shall fail to appear accordingly, every such Person so failing shall forfeit, to the Person or Persons at whose Instance the Subpoena Issued, Twenty Pounds Proclamation Money; and shall be further liable to an Action on the Case for whatever Damages shall be sustained for Want of such Witness's Testimony.

XL. Provided always, That if sufficient Cause be shewn by the Person so summoned, or for whom Copies shall be so left and failing to appear, of his or her Incapacity to attend at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Term after such Failure or Notice given, it shall and may be lawful for the Court, on Motion, to grant Judgment for the Forfeiture before mentioned, against the Person or Persons so summoned and failing to appear as aforesaid; And when any Person summoned as a Witness in any Cause as aforesaid, shall be confined in any Prison or Gaol in this Province, the Superior Court, for the better manifestation of the Truth and Advancement of Justice, shall and may grant a Habeas Corpus ad Testificandum, to remove such Person into such Court; the Party praying such Writ, having first entered into Bond, with sufficient Security, to Defray the Expence of such Removal; and to answer, in Case of such Witness's Escape, all Damages that shall or may be occasioned to any Person thereby.

XLI. And be it further Enacted, by the Authority aforesaid, That every

Person summoned to appear as a Witness in any of the said Superior Courts, in Manner as hereinbefore Directed, shall appear according to such Summons, and continue to attend from Day to Day, until Discharged by the Court, or the Party at whose Instance he was summoned; and in Default thereof, shall be subject to the Pains and Penalties hereinbefore mentioned; any Law or Usage to the contrary notwithstanding.

XLII. And be it further Enacted, by the Authority aforesaid, That if any Witness by Sickness, Age or any other Cause, shall be incapable of attending Court to give Evidence, or shall reside out of the Province, on Oath made thereof, or the Truth of the same otherwise sufficiently appearing, the Judge or Justices of the Court wherein the Suit is depending, shall and may, by Commission, as from Time to Time may be necessary, empower such and so many Persons as they shall think necessary to take and receive the Depositions of such Witness; which, when duly returned, shall be received as legal Evidence.

XLIII. Provided always, That the Party praying such Commission as aforesaid, shall give such Notice to the Adverse Party of the Time and Place when and where such Commission is to be executed, as the Court shall think Proper; and the Adverse Party shall have Liberty to cross examine any Witness or Witnesses whose Deposition shall be so taken; and all Depositions otherwise taken than is herein directed, unless by Consent of Parties, shall be Void to all Intents and Purposes.

XLIV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons who may be a Witness or Witnesses in any Cause depending in any of the said Courts, shall be under a Necessity of departing the Province before the Cause in which he or they may be a Witness or Witnesses is to be tried, that upon Oath made thereof before the Chief Justice or any one of the Justices of the Superior Courts, and the Cause of Excuse approved by him, the said Chief Justice, or other Justice as aforesaid, is hereby empowered to issue a Commission to one or more Persons to take the Deposition of such Witness; Ten Days Notice being previously given to the adverse Party, his or her Attorney, of the Time and Place when the such Commission is to be executed, that so he or they may attend and cross examine such Witness, which, when returned, shall be received as legal Evidence.

XLV. And be it further Enacted, by the Authority aforesaid, That if any Person shall be summoned as a Witness in any of the Superior Courts, or before any Persons appointed to take Depositions as aforesaid, shall refuse to give Evidence, on Oath, such Person so refusing, shall be committed to the Common Gaol, there to remain without Bail or Mainprise, until he or she shall be willing to give Testimony in such Manner as the Law doth now, or hereafter shall direct; Provided, That the People called Quakers, shall have the same Liberty of giving their Evidence, by way of solemn Affirmation, as by Act of Parliament made in the Eighth Year of the Reign of his Majesty King George the First, intituled an Act for granting to the People called Quakers, such Terms of Affirmation or Declaration as may remove the Difficulty which many of them lie under; and that all Negroes, Indians, Mulattoes, and all of mixed Blood descended from Negro or Indian Ancestors, to the Third Generation, exclusive, Bond or Free, shall be deemed and taken to be incapable in Law to be Witnesses in any Cause whatsoever, excepting against each other.

XLVI. And be it further Enacted by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to a Superior or Inferior Court, and as such Person is going or returning from the Place of such

Attendance, allowing one Day for every Twenty Five Miles such Person's Residence shall be distant from the same, no Sheriff or other Officer shall serve or execute, on any Person so attending, going to, or returning from such Court, any Writ, Process, Warrant, Order, Judgment or Decree in any Cause; and if any such shall be served or executed the same shall and is hereby declared null and Void.

XLVII. And be it further Enacted, by the Authority aforesaid, That for every Mile any Witness shall travel, either going to or returning from the Court to which such Witness shall be summoned to appear, there shall be paid to him by the Party at whose Instance the Subpoena Issued, Three Half-Pence, Proclamation Money, per Mile; together with the necessary Charges of Ferriage and Two Shillings like Money for every Days Attendance, from the Time appointed for the Appearance until the Time such Person shall have given Evidence or shall be discharged; provided, That in any Bill of Costs, there shall not be allowed the Charge of more than Two Witnesses to any one particular Matter of Fact.

XLVIII. And be it further Enacted, by the Authority aforesaid, That the Superior Courts shall have Power and Authority to grant Writs of Error for correcting the Errors of any Inferior Court where the same shall be necessary; and the Party praying such Writ of Error before the same shall issue, shall assign Error, and give Bond and Security, to be approved by the Court, to abide by, perform, and fulfil the Judgment which shall be given thereon by such Court; and if upon Argument of any Writ of Error, or Tryal of any Appeal from any Inferior Court, the Judgment or Decree of any Inferior Court shall be reversed, the Superior Court shall grant Judgment, or make such Decree thereupon as should have been entered or made up in such Inferior Court; and shall and may issue Execution thereon without granting a Writ of Procedendo; and to prevent the obtaining Writs of Error by Surprise, the Party praying such Writ, in a Civil Cause, shall give Notice to the Adverse Party of his moving for such Writ at least Ten Days before such Motion; and no such Writ shall be granted without an Affidavit of such Notice.

XLIX. And for preventing long and oppressive Imprisonments, Be it Enacted by the Authority aforesaid, That when any Person shall be committed, in any Civil Action, to the Gaol of any County, by Process issuing out of any Inferior Court, for any Matter cognizable in the Superior Court, it shall and may be lawful for the Superior Court of the District in which such Person shall be imprisoned, upon Petition, and Cause shewn by the Person so imprisoned, to issue out a Habeas Corpus Cum Causa, to remove the Body of such Defendant in the Gaol of such Superior Court, which is hereby declared to be the Gaol of the Supreme Court formerly held in such District, and the Cause of such Commitment, into the said Superior Court; and the Clerk of such Superior Court is hereby authorized and required, upon Direction of the Court, to issue such Writ accordingly; and the Court shall and may proceed therein, and bail, or discharge, or remain such Prisoner, as the Right of the Case shall require.

L. And be it further Enacted by the Authority aforesaid, That as well the Chief Justice for the Time being, as the several Clerks, and other ministerial Officers of the said Courts, shall be allowed, and shall have, take, and receive for all services by them or any of them done, the same Fees as are allowed for the like Services by an Act of Assembly, intituled, An Act for regulating the several Officers' Fees within this Province, and ascertaining the Method of paying the same.

LI. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Writs, Suits, Plaints, Process, Recognizances, Indictments, and Presentments whatsoever, that are, or shall be depending in any of the late Superior Courts of Pleas and Grand Sessions within this Province, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Late Courts or other Matters or Things in them Depending, and not fully determined, shall be transferred and put on the Dockets of the respective Courts hereby established, in the same Order they shall then stand in the Dockets of the said late Superior Courts respectively; and shall be proceeded in by the said Superior Courts hereby established, according to the Method by this Act Directed, as if the same had been originally commenced in any of the same, due Regard being had, that such Courts take Cognizance of such Suits, Matters and Things, the Cause or Causes whereof arose, or is suggested to have arisen, within their respective Districts.

LII. And be it further Enacted by the Authority aforesaid, That in all Cases wherein by any Act of Assembly heretofore made, Action is given, or Recovery directed to be had in the General Court, or any of the Supreme Courts of Justice, Oyer and Terminer and General Gaol Delivery, or in any of the late Superior Courts within this Province, in every such Case, after the passing of this Act, Suit may be brought for the same Cause of Action, and Recovery had in some one of the Superior Courts of Justice, hereby established, and Judgment and Execution shall be entered, as in other Cases by this Act directed.

LIII. And be it further Enacted, by the Authority aforesaid, That all Writs and other Process, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted, in the late Superior Courts, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Superior Courts of the respective Districts hereby established, wherein the Cause of Action did arise, or was suggested to have arisen; and such Courts may, respectively award Execution, or other necessary Proceedings, on such Judgment or Decree, in the same Manner as if such Suit had been originally commenced in such Court; any Law or Usage to the contrary notwithstanding.

LIV. And be it further Enacted, by the Authority aforesaid, That wherein the General Court, or any of the Supreme Courts, or late Superior Courts, any Recognizance has been forfeited, or Fine imposed, and not hitherto paid it shall be lawful for the Superior Court hereby established, of the District in which such Recognizance was, or shall be forfeited, or Fine imposed, to issue Execution for levying the same, after the Party shall be served with a Writ of Scire Facias, and fails to shew Sufficient Cause to the contrary; And in all Recognizances which shall hereafter be forfeited, or Fine which shall hereafter be imposed, in any of the Superior Courts, the same Process shall issue, and the Forfeiture be levied in the same Manner, unless sufficient Cause be shown, on the Return of a Scire Facias, why such Forfeitures should be discharged or mitigated by the Court.

LV. And whereas the Remote Distance of the Court at Salisbury from the other Courts appointed by this Act, may render the Attendance of the Chief Justice at the said Court very uncertain and precarious; Be it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, by Commission under the great Seal of this Province, to constitute and appoint a Person of Skill and Ability in the Law as an Assistant Judge to the said Chief Justice for the District of Salisbury; which said Assistant Judge shall and may, and

is hereby authorized and impowered, 'in Case of the Absence of the Chief Justice, to hold the said Court at Salisbury, at the several and respective Times hereinbefore Limited, and appointed for holding of the said Court, and to take Cognizance of all Suits, Pleas and Matters, whereof the said Court shall or may have legal Jurisdiction, or whereof the said Chief Justice could or might take Cognizance, was he himself personally present in the said Court, and the same to try and Determine, and also to give judgment therein, and to award Execution thereupon; and to make Orders for issuing Letters Testamentary, and Letters of Administration, and to have, use, and exercise the same Powers and Authorities, in the said District of Salisbury, in as full and ample Manner, to all Intents and Purposes, as the said Chief Justice by Virtue of his Office as Chief Justice of the Province, or by Force of this Act, hath, or can, or may use or exercise.

LVI. And be it further Enacted, That such Assistant Judge shall and may, within the said District of Salisbury, as well out of the Court as within the same, take the Proof of Acknowledgment of Deeds, or letters of Attorney, and the Private Examination of Feme Coverts, as hath heretofore been done or may be done by the Chief Justice, in the like Cases; and shall and may have, receive, and take the same Fees on those Occasions, as are by Law given to the Chief Justice; which Proofs and acknowledgments shall be deemed equally good and Valid in Law, as if taken in any Court of Record.

LVII. And be it further Enacted, by the Authority aforesaid, That such Assistant Judge shall, before he acts in the Said Court, take the Oaths by Law appointed for the Qualification of Public Officers, and repeat and subscribe the Test and also take the Oath of Office herein before by this Act appointed to be taken by the Chief Justice, *mutatis mutandis*; and in Case such Assistant Judge shall presume to Act in his Office in the said Court without taking the Oaths and Subscribing the Test by this Act directed to be by him taken and subscribed, he shall forfeit Five Hundred Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of the Superior Courts of this Province; one Half to the Use of his Majesty his Heirs and Successors, towards defraying the Charges of Government, and the other Half to Him or them that will sue for the same.

LVIII. And for the trouble and Attendance of such Assistant Judge, in holding the said Court, Be it Enacted by the Authority aforesaid, That he shall have and receive the Sum of Seventy Five Pounds Proclamation Money for every Court he shall hold or attend at within the District of Salisbury, whether the Chief Justice be there or not; to be paid within one Month after every such Court so held as aforesaid, out of the Public Treasury of this Province. Provided always, That it shall not be lawful for the said Assistant Judge to practice the law as an Attorney in any Court within the said District of Salisbury.

LIX. And whereas many of the Prisons within this Province are insufficient for the Retention of Persons who commit Capital and other Offences against his Majesty, his Peace and Government; Therefore for the Speedy Tryal of such Offenders; Be it Enacted by the Authority aforesaid, That the Governor or Commander in Chief for the Time being, so often as he shall find it necessary, is hereby authorized and impowered to issue a Commission of Oyer and Terminer, and General Gaol Delivery, under the Great Seal of the Province, directed to the Chief Justice, and one or more of the other Justices of the Superior Courts, for the Tryal of any such Offenders; and the said Chief-Justice and other Justice or Justices so commissioned, after Receipt thereof, are hereby impowered to hold a Court within the Time limited

by such Commission, for the Tryal of every such Offender; and to hear and determine all Treasons, Murders, Burglars, Felonies, Trespasses, Crimes and Misdemeanors of what Nature or Kind soever, wherewith such Offenders or Offender, is or shall stand Charged, and give Judgment and award Execution thereon.

LX. And be it further Enacted, by the Authority aforesaid, That the Chief-Justice, and other Justice or Justices, so commissioned, on receiving such Commission, shall order the Clerk of the Court for the District where such Court of Oyer and Terminer is to be held, to issue Writs of Venire Facias directed to the Sheriff of the respective Counties within such District, to serve as Grand and Petit Jurors at such Court; which Writs the said Clerk is hereby impowered and required to issue, Ten Days at least before the Day of holding every Court of Oyer and Terminer to summons Six good and lawful Men as Grand Jurors, and six other Good and lawful Men as Petit Jurors, for every County within such District, being Freeholders, to appear and attend at such Court; which Person so summoned as Grand Jurors, or so many of them as shall appear, (together with other good and Lawful Freeholders of the By-standers, if necessary, to add to such, to make a Sufficient Number of Grand Jurors) shall be a Grand Jury; and it shall be lawful for such Grand Jury to enquire of and present, all Treasons, Felonies, and other Offences cognizable in the said Court, which shall have been committed or done within any County or Counties within such District; and the Freeholders so summoned as Petit Jurors, or so many of them as shall appear, (not being challenged) together with so many other good and lawful Freeholders of the Bystanders as shall make up the Number of Twelve; shall and are hereby declared to be a lawful Jury, for the Tryal of any Person or Persons indicted of Treason, Felony, or other Crimes or Misdemeanors, before the said Court of Oyer and Terminer; and if any Person so summoned to serve on the Grand or Petit Juries before such Court, shall fail to appear and attend, it shall be lawful for the said Court to Fine every Person so failing, Three Pounds; to the Use of the County whereof he is resident.

LXI. And be it further Enacted, by the Authority aforesaid, That this Act, and every Clause, Article and Thing, therein contained, shall continue and be in Force for the Space of Two Years, from and after the First Day of January next and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER II.

An Act to establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province.

I. Whereas the Establishment of Inferior Courts for the Tryal of Causes, and punishing Offenders, under proper Limitations and Restrictions, would be of great Service, and general Utility, in the several Counties within this Province:

II. Be it therefore Enacted, by the Governor Council, and Assembly, and by the Authority of the same, That in every County of this Province, a Court quarterly in every Year shall be held by the Justices thereof at the several respective Places already assigned for that Purpose, or at such Place or Places as shall be hereafter lawfully appointed, upon the Days herein-after limited for each County respectively; which Courts shall be called

Inferior Courts of Pleas and Quarter Sessions, and taken and held to be Courts of Record.

III. And be it further Enacted, That every Person nominated and appointed a Justice of any Inferior Court, before his entering upon and executing the said Office, shall publicly in the Court House of his County, on a Court Day take the Oaths appointed, or which shall be appointed, to be taken by Act of Parliament for the Qualification of Public Officers, repeat and subscribe the Test, and shall also take the following Oath to-wit:

I, A. B., do swear, That as a Justice of Peace in the County of ——— in all Articles in the Commission to me directed, I will do Equal Rights and Justice to the Poor and to the Rich, after my Cunning, Wit, and Power, and according to Law; and I will not be of Council in any Quarrel hanging before me; I will not lett for Gift or other Cause, but well and truly I will do my Office of a Justice of the Peace, as well within the Inferior Court of Pleas and Quarter Sessions of the said County as without; and I will not take any Fee, Gift, or Gratuity, for any thing to be done by Virtue of my Office; and I will not Direct or Cause to be directed, any Warrant by me to be made to the Parties, but I will direct them to the Sheriff or Constable of the County, or other the King's Officers or Ministers, or other Indifferent Person, to do Execution thereof. So Help Me God.

And if any Person Whatsoever shall presume to execute the Office of a Justice of any Inferior Court, without first qualifying himself in the Manner by this Act before required, he shall, for every such Offence, forfeit and pay One Hundred Pounds, Proclamation Money; one Moiety to his Majesty, his Heirs and Successors, towards the Support of this Government, and the other Moiety to the Informer; to be recovered with Costs, by Action of Debt, in any Court wherein the same is Cognizable.

IV. And be it further Enacted, by the Authority aforesaid, That the said Inferior Courts of Pleas and Quarter Sessions shall be constantly held upon the Days hereafter specified for every County respectively, that is to say; For the County of Craven, on the First Tuesday in January, April, July and October. Carteret, on the Fourth Tuesday in February, May, August and November. Dobbs on the Second Tuesday in January, April, July and October. Johnston on the Third Tuesday in January, April, July and October. Beaufort on the Second Tuesday in March, June, September and December. Pitt on the Last Tuesday in February, May, August and November. Hyde on the First Tuesday in March, June, September and December. Currituck on the First Tuesday in January, April, July and October. Pasquotank on the Second Tuesday in January, April, July and October. Perquimans on the Third Monday in January, April, July and October. Chowan on the Fourth Monday in January, April, July and October. Bertie on the last Tuesday in February, May, August and November. Tyrrel on the Third Tuesday in March, June, September and December. Hertford on the Second Tuesday in January, April, July and October. Northampton on the First Tuesday in February, May, August and November. Halifax on the Third Tuesday in January, April, July and October. Edgecomb on the Fourth Tuesday in January, April, July and October. Granville, on the Second Tuesday in February, May, August and November. Orange on the First Tuesday in February, May, August, and November. Rowan, on the second Tuesday in January, April, July and October. Anson on the Fourth Tuesday in January, April, July and October. New Hanover on the First Tuesday in March, June, September and December. Bladen on the Fourth Tuesday in February, May, August and November, Duplin on the second Tuesday in Feb-

ruary, May, August and November. Cumberland, on the Third Tuesday in February, May, August and November. Onslow on the Second Tuesday in March, June September and December. And every adjournment shall be to the next succeeding Court in Course, and not otherwise.

V. Provided nevertheless, That if the Business of any of the said Courts cannot be determined on the Court Day, the Justices may adjourn from Day to Day not exceeding Five Days; at the End of which Time, if the Causes and Matters depending before them shall not be finally determined, or otherwise continued in the Manner herein after directed, the same shall be continued to the next succeeding Court.

VI. Provided also that if through Sickness or other Inability, Badness of Weather or other Accident, it shall so happen that a Sufficient Number of Justices shall not meet for holding the said Courts on the Days herein before appointed, in such Case it shall and may be lawful for any one Justice to adjourn the Court whereof he shall be a Member from Day to Day not exceeding Three Days, until a sufficient Number of Justices can attend to hold Court.

VII. And be it further Enacted, by the Authority aforesaid, That none of the said Courts, or Process in any of them depending, shall be discontinued for or by reason of the Justices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the said Days appointed for holding the said Courts; but in every such case all such Process, Matters, and Things depending, shall stand continued, and all Appearances upon returns of Process should be made to the next succeeding Court in Course, in the same Manner as if such succeeding Court had been the same Court to which such Process stood continued, or such Returns or Appearances had been made; and all Recognizances, Bonds and Obligations for Appearances, and all Returns, shall be of the same Force and Validity for the appearance of any Person or Persons at such succeeding Court, and all Summons for Witnesses as effectual, as if the next succeeding Court had been expressly mentioned therein.

VIII. And be it further Enacted by the Authority aforesaid, That the Justices of the said Inferior Courts of Pleas and Quarter Sessions, or any Three of them, shall and may take Cognizance of, and are hereby declared to have full power, Authority and Jurisdiction, to hear and Determine all Causes whatsoever at the Common Law, within their respective Counties, where the Debt, Damages, and Cause of Action, is above Forty Shillings, Proclamation Money, and shall not exceed Twenty Pounds like Money, (Actions of Trespass in Ejectment, Formedon in Decender, Remainder, and Reverter, Perjury and Felony, and such Criminal Causes where the Judgment upon Conviction, shall be for the Loss of life or Member excepted) and all Petit Larcenies, Assaults, Batteries, and Trespasses, other than such Trespasses wherein the Title of the Freehold shall or may come in Question, Breaches of the Peace, and other Misdemeanors of what Kind soever, of an Inferior Nature; and all filial Portions and Legacies, and Distributions of Intestates Estates, and other Matters thereto relating, for any Sum or Sums not exceeding Twenty Pounds, Proclamation Money; And the said Justices of the Peace, and every of them at all times during their Continuance in that Office, as well within their Inferior Courts of Pleas and Quarter Sessions as without, shall have full power and Authority, as amply and as fully, to all Intents and Purposes, as the Justices of the Peace in the Counties of England, to preserve, maintain, and keep the Peace within their respective Counties.

IX. And be it further Enacted by the Authority aforesaid, That the said Inferior Courts respectively shall and may, by summons or other legal process, upon application to them made, compell any Person or Persons whatsoever, having in their Possession any Will or Testament of any deceased Person to exhibit the same to the Court, in Order to a legal Probation thereof; and also to receive the Probate of Wills, and order the same to be recorded; and make Orders for issueing Letters Testamentary, and Letters of Administration; and the Clerk shall and may take Two Shillings and Eight Pence for recording each Will.

X. Provided always, That any Person who hath a Right to execute any Will, or to administer the Estate of any Intestate, who shall think himself injured by such Order, may enter a Caveat in the Court wherein such Order shall be made against the Person obtaining the same; and the Secretary and his Deputy, shall forbear to seal and Countersign Letters Testamentary, or of Administration, till the Matter in Controversy shall be reheard and determined before the Governor, or Commander in Chief for the Time being, and Council.

XI. And be it further Enacted by the Authority aforesaid, That the Clerk of the Pleas for the Time being shall, for the Future, nominate and appoint skillful and Discreet Persons to serve as Clerks for the several Courts hereby established; which said Clerks shall, upon such Nomination and appointment, hold and enjoy their offices during their good Behavior therein; And each of the said Clerks shall give Bond to the Justices of their respective Courts, with Two Sufficient Securities, in the Penalty of One Thousand Pounds, for the safe keeping the Records, and the faithful Discharge of his Duty in his said Office; which said Bond shall be recorded, and lodged in the Secretary's Office; and in Case of a Breach of the Condition thereof, may be put in Suit, for the Benefit of, and at the Proper Cost and Charges of the Party or Parties injured, and shall not become void upon the first Recovery, or if Judgment be given against the said Justices, but may, from time to time, be put in Suit, by Action of Debt, or Scire Facias, until the whole Penalty shall be recovered; And when any Judgment shall be obtained upon such Bond, the Damages assessed shall, by Order of the Court, be paid to the Person or Persons injured.

XII. Provided always, That nothing herein contained shall be construed to lessen or take away the Power of the Justices of the said Courts over the Clerks thereof, any Thing herein contained to the contrary, notwithstanding.

XIII. And be it further Enacted, by the Authority aforesaid, That every Person nominated and appointed Clerk of any Inferior Court, before his entering upon, and executing the said Office, shall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and subscribe the Test, and also take the following Oath, to-wit:

I, A. B., do swear I will well and truly execute the Office of Clerk of the Inferior Court of Pleas and Quarter Sessions for the County of _____ according to the best of my skill and ability. So Help me God.

XIV. And for the better preservation of Wills, Be it further Enacted by the Authority aforesaid, That all Original Wills shall remain in the Clerk's Office among the Records of the respective Counties where they shall be proved, whereunto any Person may have Recourse as to the other Records, except for the Time the same shall or may be removed before any other Court upon the Determination of any Controversy.

XV. And be it further Enacted by the Authority aforesaid, That the Clerk of every Inferior Court aforesaid, in the Month of October Annually, shall

return to the Secretary's office a List of all Certificates for obtaining Probates or Administrations granted by their respective Courts from Time to Time, containing the Names of the Testators or Intestates, their Executors or Administrators, and the Names of the Securities; which Lists the Secretary is hereby required to cause to be recorded in his Office Alphabetically in Books for that Purpose, and shall and may take and receive Two Shillings and Eight Pence, Proclamation Money, for every such Order therein mentioned.

XVI. And be it further Enacted, by the Authority aforesaid, That the Attorney General is hereby authorized and required to appoint a Deputy in each County within this Province; which said Deputy shall and may prosecute all Matters cognizable in the Inferior Court of Pleas and Quarter Sessions for and in behalf of his Majesty, and shall take and receive Thirteen Shillings and Four Pence, Proclamation Money, on each and every Bill of Indictment found, or Presentment made, in the said Court in which he or his Deputy shall be.

XVII. And be it further Enacted, by the Authority aforesaid, That the said Inferior Courts of Pleas and Quarter Sessions respectively shall, and they are hereby authorized and impowered, annually, between the First Day of May and the First Day of November, to assess and lay such Tax on the Taxable persons in their respective Counties, as shall be sufficient to defray the Contingent Charges of the Same; which Tax shall be collected by the Sheriff, and paid and accounted for in the same Manner Public and Parish Taxes are or shall be by law directed, and by him accounted for and paid to the Court, or their Order. And all debts and demands of Forty Shillings Proclamation Money, or under, are hereby declared to be cognizable and determinable by any one Justice of the Peace, who may give Judgement, and thereupon award execution, against the Goods or Chattels or Body of the debtor or Party against whom such Judgement shall be given; which shall be executed and returned by the Sheriff or Constable to whom directed, in the same Manner as other writs of *Fieri Facias*, or *Capias ad Satisfaciendum* are to be executed and returned.

XVIII. Provided nevertheless, That if either of the Parties shall be dissatisfied with the Judgement given by such Justice, he may appeal to the next Inferior Court of Pleas and Quarter Sessions, first giving Security for prosecuting such appeal with Effect; which cause shall be tried and finally determined the same Court without any further Process, in the same Manner as Causes are there tried brought by Original Petition and Summons; and Judgement shall thereupon be given, and the Party cast shall pay the cost of all Proceedings had thereon, to be taxed by the Court. Provided nevertheless, That the Justice before whom suit was first heard and determined, shall not sit in Court or give Judgement on the Tryal of such Appeal.

XIX. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any creditor, where his Debt or Demand doth not exceed Forty Shillings Proclamation Money, to go before any Justice of the Peace and make Oath how much is justly due to him and that he has grounds to suspect that his Debtor hath or intends to remove himself and effects privately out of the County, or so absconds that Process cannot be served upon him; and thereupon such Justice (having first taken Bond and security as in other cases of Attachments) shall issue an Attachment against the estate of such Debtor, returnable before any Justice of the County, directed to the Sheriff or any Constable of the County and by Virtue thereof it shall be law-

ful for such Sheriff or Constable to pursue and attach such Effects, and make due return of such attachment; and the Proceedings thereon by the said Justice shall be in a Summary way in the same Manner as on a warrant.

XX. And be it further Enacted, by the Authority aforesaid, That any Justice of the Peace shall and may have Power, and is hereby authorized, upon Complaint being made by any Person or Persons for any Matter or Thing, Debt or Damage, cognizable in the Inferior Courts of Pleas and Quarter Sessions of this Province, to grant an original attachment against the Estate of any Person absconding or concealing, and removing himself out of the County, returnable to such Court, observing therein the Rules and Restrictions directed for granting original Attachments returnable to the Superior Courts of Justice; and all Sheriffs and other Officers, shall execute and return the same, and observe the Rules and Directions appointed to be observed in executing Attachments returnable to the Superior Court; and the like Judgment, Recovery, Relief, Remedy, and Proceedings, shall be had thereupon, as in the like Cases is grantable in the said Superior Courts.

XXI. And be it further Enacted, by the Authority aforesaid, That all original Process by Writ, Summons, Petition, or any other Manner or Means, and all subsequent Process thereupon, to bring any Person or Persons to answer to any Action, Suit, Bill, Information, or Complaint, in any Inferior Court of Pleas and Quarter Sessions (except Subpoenas to summon Evidences, which may be made returnable immediately) shall be issued and bear Test by the Clerk of every Inferior Court of Pleas and Quarter Sessions respectively and shall be returnable on the first Day of the Sitting of the Court, and shall be executed at least Five Days before the Return thereof; and if any Person issues any Writ or Process whilst such Court is sitting, or within Five Days before the beginning of the Court, such Writ or Process shall be returnable to the Court next after that then sitting, or beginning to sit within Five Days as aforesaid, and not otherwise; And all Writs and Process issued, made returnable, or executed, in any other Manner, or at any other Time, than is herein before directed, may be abated, upon the Plea of the Defendant.

XXII. Provided always, That nothing herein contained shall extend, or be construed to invalidate or vacate any Writ, Process, Warrant, or Precept, issued by any Justice of the Inferior Courts of Pleas and Quarter Sessions on any criminal Prosecution, or in his Majesty's behalf, but the same may be returnable on any Day in the Sitting of the Court; and the Proceedings in all criminal Cases shall be had according to the Laws and Statutes of Great Britain and this Province; any Thing herein contained, to the contrary, notwithstanding.

XXIII. And be it further Enacted, by the Authority aforesaid, That when any Writ or Process shall issue to take the Body of any Person or Persons to answer unto any Plaintiff in any Civil Action in any Inferior Court of Pleas and Quarter Sessions, the Sheriff shall return therewith a Bond, with Two Sufficient Securities, for Double the Sum for which the Person shall be held in arrest (Executors, Administrators, and Persons sued on Penal Statutes, excepted) to the Clerk, on or before the First Day of Every Court; and if the Sheriff shall not return Bail, or the Bail so returned shall be found insufficient, upon exception taken thereto, then, and in such Case, the Sheriff shall be taken and stand Bail for the Defendant, and the Plaintiff may proceed in his Suit to Judgment according to the Rules hereinafter mentioned, and on Judgment, or Recovery, may take out execution against the Defendant or Sheriff or both; any Law, Usage, or Custom, to the contrary

notwithstanding. Provided always, That if the Defendant puts in Bail before the Time given him by the Rules here after mentioned is expired, then the Sheriff shall be discharged. Provided also, That the Sheriff may surrender the Defendant in Discharge of himself at any Time before final Judgment obtained against the Defendant.

XXIV. And be it further Enacted, by the Authority aforesaid, That where any Judgment or Decree shall be obtained in any Inferior Court of Pleas and Quarter Sessions, for any Debt, Damages, Portion, or Legacy, or Proportion of any Intestates Estate, and the Person against whom such Decree shall be obtained shall remove him or herself and Effects, or shall reside out of the Limits of the Jurisdiction of such Court, it shall be lawful for the Clerk of the Court where Judgment was given, or Decree made, at the Request of the Party for whom the same was rendered, to issue a Writ of Fieri Facias, Capias ad Satisfaciendum, or other Process, under the Test herein before Prescribed, and to direct the same to the Sheriff or other Officer of any County in this Province, where the Defendant or Debtor, or his Goods shall be found; which said Sheriff or other Officer to whom the same shall be directed, is hereby impowered and required to serve and execute the same and shall make return thereon to the Court where the Judgment or Decree was given, in the same Manner as if such Process had issued from the Superior Court of Justice.

XXV. And for the better ascertaining what Process may be issued where the Sheriff shall return that the Defendant is not to be found in his Bailiwick, It is hereby Enacted, That when any Sheriff shall make such Return the Plaintiff or Plaintiffs, in any Civil Action, may sue an Attachment against the Estate of such Defendant, returnable as is herein before directed for the Return of original or other subsequent Process, thereupon to enforce an Appearance, or an Alias, or Pluries Capias, until such Defendant be arrested, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff shall return such Attachment executed, the Plaintiff shall file his Declaration according to the Rules of the Court, and be intitled to a judgment.

XXVI. And be it further Enacted by the Authority aforesaid, That the same Rules, Methods, and Proceedings, shall be had, kept, used and observed by the said Inferior Courts of Pleas and Quarter Sessions, and Officers in the granting issueing, executing, returning, and awarding Judgment on Judicial Attachments; and the like Remedy, Recovery, and Relief, against Sheriffs and Bail, as in like Cases is provided by Law in Suits depending in the Superior Courts of Justice.

XXVII. And for the regular Prosecution and Determination of Suits, entering up Judgments, and Preservation of the Records; Be it therefore Enacted, by the Authority aforesaid, That the following Rules and Methods shall be observed, to-wit:

That the Plaintiff in every Suit shall file his Declaration on the First Day of the Court, or first calling of the Cause in Court; and at the same Time serve the Defendant, or his Attorney, with a copy thereof, if required. That if the Plaintiff fail to file his Declaration, or appear and prosecute his Suit, the Defendant may enter a Non-pros.

That the Defendant shall enter his Appearance, and file his Plea in Writing whether general or special, the First Court; and if he fails so to do, the Plaintiff shall have judgment, which in Actions of Debt shall be final, except where Damages are to be suggested on the Roll; in which Case, and in all others where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed the next Court.

That the Defendant may Plead as many several Matters as he shall think necessary for his Defence, so that he be not admitted to plead and demur to the whole.

That all Issues, whether general or Special, shall be heard and tried the next succeeding Court, unless sufficient Cause is shewn to such Court why such Causes shall be continued.

That all Causes at Issue ready for Trial be first heard and tried.

That every motion in Arrest of Judgment shall be argued the last Day of the same Court the Issue is tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment; unless upon sufficient reasons shewn, and approved of by the Court, further Time shall be allowed.

That when any special Verdict shall be found, or Demurer to Evidence, at the Motion of either Party, Time shall be allowed to the next succeeding Court for hearing.

That in every Cause, unless brought by Petition, if the Plaintiff recovers, or is non suit, or where his Suit shall be dismissed, or Judgment passed for the Defendant, the Court shall allow in the Bill of Costs Fifteen Shillings Proclamation Money, for an Attorney's Fee, if the Party employed one.

That the Clerk of ever Inferior Court of Pleas and Quarter Sessions, where any Cause is finally determined, shall enter all pleadings and other Matters relating thereto in a Book kept for that Purpose, that an entire and perfect Record may be made up.

XXVIII. And for Prevention of Delay and Vexation by dilatory Pleas, It is hereby further Enacted, That no Plea in abatement shall be received in any Action or Suit, unless the Truth thereof be sufficiently shewn to the Court by affidavit or otherwise; and in all Actions where the Declaration shall plainly set forth sufficient matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form; and that when any Plea in abatement shall be pleaded in any Action, and upon Argument thereof the same shall be judged insufficient, the Plaintiff, or Plaintiffs in such Action shall recover against the Defendant or Defendants full Costs to the Time of over-ruling such Plea, including the cost of that Court, a lawyer's fee only excepted.

XXIX. And be it further Enacted, by the Authority aforesaid, That for the more speedy and easy Recovery of small Debts, it shall be lawful for the Justices of any Inferior Court of Pleas and Quarter Sessions to hear, and finally end, and determine, all Suits brought for any Debt or Demand due by Judgment, Obligation, Account, or otherwise, for any Sum or Sums of Money above the Value of Forty Shillings, Proclamation Money, and of less Value than Five Pounds like Money, by Petition, without the Solemnity of a Jury; and the said Justices are hereby authorized and required, and shall have full power and Authority so to do, and to award Execution thereupon; and when the Demand shall be of less Value than Five Pounds, and above Forty Shillings, the Plaintiff shall proceed by Petition, in the Manner by this Act directed; and if any Plaintiff shall demand a greater Sum on Purpose to evade this Act, he shall be Non-suit, and pay Cost; and the Method of Proceeding shall be in a Summary Way, to-wit: The Petition shall express whether the Debt arises by Judgment, Obligation, Account, or otherwise, and if by Account, the same shall be filed, together with the Petition; and upon filing such Petition in the Clerk's Office, a Summons of Court shall be issued, under the Hand of the Clerk, returnable to the next Court a Copy of Which, together with a Copy of the Petition, and a Copy of the Account

(where the Demand is upon an Account) shall be delivered to the Defendant, or left at his usual Place of abode, Five Days at least before the next succeeding Court; and the same being returned Executed, by a Sworn officer, if the Defendant shall not then appear, it shall be lawful for the said Justices to hear and examine into the Truth of the Matter complained of, and to determine the Cause upon the Evidence produced, or to dismiss the Petition, as to them shall seem just; and if the Defendant shall appear upon such summons, he shall forthwith put in such Plea or answer thereto as will bring the Matter of Complaint in Issue, and thereupon, or if he fails to Plead, the Court shall instantly proceed to hear and determine the Cause in a Summary Way, upon any such Evidence as shall be given, and shall give judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without regard to Form in the Process, Petition, or Course of Proceeding, so as sufficient Matter be set forth whereupon the Court may give Judgment according to the very Right of the Cause; and the Court shall not admit of any Delay in the Determination of any such Suit till another Court, unless good cause be made appear for such delay; but where the Penalty of any Bond or obligation for Debt shall be Five Pounds or Upwards, and shall be put in suit, the same shall be brought and prosecuted at the Common Law, and not by Petition, although Part of the Principal be paid before Suit brought; and when any Petition shall be filed in less than Five Days before the Court Day next following the filing thereof, the Summons thereupon shall be made returnable to the next Court held after the Expiration of Five Days; and the same being returned executed, the Proceedings thereupon at the Return Day, shall be in like Manner as before directed; and that upon every Judgment given upon such Petition, if a Lawyer be employed, The Clerk shall tax in the Bill of Costs, Seven Shillings and Six Pence for an Attorney's Fee, and no more.

XXX. Provided nevertheless, That the Sheriff, upon serving any such Petition shall and may, and he is hereby impowered and required, if directed by the Petitioner by indorsement on his Petition, to take Bail as is usual on executing a Writ; and for taking such Bail, and returning a Bail Bond, shall be allowed One Shilling and Eight Pence, to be Taxed in the Bill of Costs And upon Judgment being recovered against the Defendant in any such Suit the Court shall and may, and are hereby required, to award execution against the Defendant and such Bail, jointly, unless the Principal shall surrender himself to Gaol, or be delivered up by the Bail, before Execution being so granted; any Law, Custom or Usage, to the contrary, notwithstanding.

XXXI. And be it further Enacted by the Authority aforesaid, That the Clerk of every Inferior Court shall have, take, and receive, for the Whole Fees chargeable for each Petition and Summons, and all the Proceedings therein, including a Copy of the Judgment, taxing Costs, and entering an Attorney, (except Subpoenas for Witnesses, Orders for Continuances, and issuing Execution, when any of the said Matters happen) Seven Shillings and Six Pence, and no more; and the Sheriff shall and may, take and receive Two Shillings and Eight Pence for serving a Copy of such Petition and Summons, besides the Fee above mentioned for the Bail Bond, and no more.

XXXII. And be it further Enacted, by the Authority aforesaid, That every Clerk, Sheriff and other Officer of the said Inferior Court of Pleas and Quarter Sessions, may take and receive the Fees hereinbefore mentiond; and also for every other service by them respectively to be done, shall and may take such Fees and Perquisites as they could or might have done for per-

forming the like Services by Virtue of an Act of Assembly, intituled, An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same; And if any Clerk, Sheriff or other Officer of the said Courts, shall demand, extort, exact, or receive any other or larger Fees, or shall refuse to do the particular Service of his Office for the Fees in this and the before recited Act expressed, he shall introduce any new Fees, or charge any such for any pretended Service when such service is not actually performed, and when the same, according to the Course of Practice, is not necessary to be done; every such Clerk, Sheriff and other Officer, for every such Offence, shall forfeit and pay Five Pounds Proclamation Money; to be recovered and applied as by the aforesaid Act is directed.

XXXIII. And for granting Appeals from the Inferior Courts of Pleas and Quarter Sessions, to the Superior Courts of Justice, and obtaining Writs of Error to the said Courts, Be it further Enacted by the Authority aforesaid, That when any Person or Persons, either Plaintiff or Defendant, shall be dissatisfied with the Judgment, Sentence, or Decree of any Inferior Court, he may pray an Appeal from the Judgment, Sentence, or Decree of Such Court to the Superior Court of Justice of the District wherein such Inferior Court of Pleas and Quarter Sessions is held; but before obtaining the same shall enter into Bond, with Two sufficient Securities, for prosecuting the same, and performing the Judgment, Sentence or Decree that the Superior Court shall enter or make thereon, in Case such Appellant shall be cast.

XXXIV. And because it may happen, that in issuing Process, carrying on the Proceedings, and rendering Judgments in the said Inferior Courts of Pleas and Quarter Sessions there may be Error to reverse Judgments; be it Enacted, That when any Defendant is desirous to prosecute a Writ of Error, he shall move the Inferior Court of Pleas and Quarter Sessions, where such Suit is depending, to allow a Writ of Error, he first entering into Bond as afore-mentioned; and the Court is hereby impowered and required to allow thereof, as if such Writ of Error was then and there produced.

XXXV. And for carrying on and prosecuting such Appeals and Writs of Error; Be it Enacted, by the Authority aforesaid, That the following Rule and Methods of Practice shall be observed, to-wit, That when any Person, either Defendant or Plaintiff, conceives he is injured by the Judgment, Sentence, or Decree of any Inferior Court, and shall have appealed to the Superior Court in Manner above directed, a Transcript of the Proceedings of the Inferior Court shall be filed with the Clerk of such Superior Court Fifteen Days before the sitting of the Court; and if the Tryal in the Inferior Court was of an Issue to the Country, a Tryal de Novo shall be had, and if on a Hearing on a Petition for a filial Portion, or Legacy, or Distribution of an Intestates Estate, or other Matter thereto relating a Rehearing at the said Court, without Notice given by either Party; and if such Transcript of the Proceedings is not filed within the Time aforesaid with the Clerk of the Superior Court, or if the Appellant shall fail to appear and prosecute his Appeal, then the Judgment, Sentence, or Decree of the Inferior Court shall be affirmed, and the Appellant shall be adjudged to pay double Costs; provided, that there shall be Thirty Days between the Day of Tryal or Hearing in the Inferior Court, and the next Superior Court; But when it so happens that there are not Thirty Days between such Tryal or Hearing and the Superior Court, such Appeal shall be continued, and a Transcript of the Proceedings transmitted to the Superior Court next after; And where any Defendant will prosecute a Writ of Error, he may move the Inferior Court where the Tryal is had, and enter into Bond, with Security, as before mentioned, whereupon

a Transcript of the Proceedings shall be filed with the Clerk of the Superior Court Fifteen Days before the Court, and the Party prosecuting such Writ of Error shall assign and file Error the First Four Days of the Court; and in Case such Defendant shall neglect to file such Writ, and assign Error as aforesaid, or shall fail to appear and prosecute the same, then the Judgment of the Inferior Court shall be affirmed, and the Plaintiff in Error shall be adjudged to pay double Costs; provided that there shall be Thirty Days between such Motion for obtaining a Writ of Error, and the Time of holding the Superior Court.

XXXVI. And be it further Enacted by the Authority aforesaid, That in every Inferior Court within this Province, when an Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make up a full and perfect Record of all the Proceedings in such Cause, and shall, within Ten Days after the Adjournment of the Court, give an attested Copy of such Record with a Taxation of all Costs accrued, to the Person appealing or to whom the Writ of Error is allowed; and every Clerk neglecting to do the same, shall forfeit and pay to the Person intitled to such attested Copy, the sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt, Plaint or Information, in any Court of Record; and the said Clerk shall also be further liable to an Action on the Case, for all such Damages as such Person shall sustain for want thereof.

XXXVII. And be it further Enacted by the Authority aforesaid, That if any Action or other Process shall be commenced and prosecuted against the Sheriff of any County in this Province, then instead of other Process which might be legally taken in the like Case against any other Person, the Clerk of any Inferior Court of Pleas and Quarter Sessions shall, upon Request, issue a Summons directed to the Coroner of the County, reciting the Matter or Cause charged against such Sheriff, and summons him to appear and answer the same at the next Inferior Court of Pleas and Quarter Sessions to be held for the said County; and if such Sheriff shall not appear according to such Summons, it shall be lawful for the Court to award an Attachment against the Estate of such Sheriff so failing to appear; and thereupon the like Proceedings shall be had as in Cases of other Attachments.

XXXVIII. And for the better Discovery of the Truth in any Matter whatsoever before the Inferior Courts, Be it Enacted by the Authority aforesaid, That the Clerk of every such Court may and he is hereby authorized and required, upon the Request of either Party, to issue one or More Summons or Summonses for any Person or Persons to attend as a Witness or Witnesses in any Case depending before them, directed to the Sheriff or other Officer of the County where such Witness or Witnesses do live or usually reside, who is hereby empowered and required to serve such summons or summonses; and the Witness or Witnesses thereby summoned shall appear according to the Tenor thereof, and every person or persons so summoned and attending, shall have the same allowance, and be intitled to the same Privileges and Exemptions, as Witnesses summoned to any Superior Court have or may claim; and on Failure to attend according to such Summons, shall be liable to the same Penalties, Fines, Forfeitures, and Actions, as Witnesses summoned to attend the aforesaid Superior Courts are liable and subject to in the like Cases, and shall and may be proceeded against accordingly; any Law, Usage, or Custom, to the contrary notwithstanding; And when any Witness is aged, infirm, or otherwise incapable of attending the Court, or resides out of the County, such Court, upon Motion of either Party, and the Truth thereof appearing, may grant a Dedimus, to take the Examination of such Witness

or Witnesses, in the same Manner, and with such Notice, as such Commissions may be issued, executed, and returned, in Proceedings in the Superior Courts.

XXXIX. And be it further Enacted, by the Authority aforesaid, That every Person summoned to appear as a Witness in any of the said Inferior Courts in Manner as hereinbefore directed, shall appear according to such Summons, and continue to attend from Day to Day, until discharged by the Court, or by the Party at whose Instance he was summoned; and Default thereof, shall be subject to the Pains and Penalties hereinbefore mentioned; any Law, or Usage, to the Contrary, notwithstanding.

XL. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Suits, Writs, Petitions, Summonses, Complaints, Process, Recognizances, Indictments, and Presentments whatsoever, heretofore commenced, and not yet determined, in either of the late Inferior Courts of Pleas and Quarter Sessions in this Province, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts, or other Matters or Things in them depending, not fully determined after the passing of this Act, shall be transposed and carried off the Dockets in each of the said late Inferior Courts into the Dockets of the several Courts by this Act established, in the same Order in which they shall then stand in the Dockets of the said late Inferior Courts respectively; and shall be proceeded on by the said Courts according to the Method by this Act directed, as if the same had been originally commenced therein.

XLI. And be it further Enacted, by the Authority aforesaid, That all Writs and other Process, and all suits and Proceedings whatsoever, issued, granted, or prosecuted in any of the said late Inferior Courts, wherein Judgment hath been entered or Decree made, shall and may be taken Cognizance of, by the said Courts of the Respective Counties by this Act established; and such Courts may respectively award Execution, or other necessary Proceedings, on such Judgment or Decree, in the same as if such Suit had been originally commenced in such Court by this Law hereby established; any Law, Usage or Custom, to the contrary, notwithstanding.

XLII. And be it further Enacted, by the Authority aforesaid, That this Act and every Clause and Article thereof, shall be and continue in Force for Two Years, from and after the First Day of January next, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER III.

An Act to empower the several Inferior Courts of Pleas and Quarter Sessions to try all Causes commenced in the late Inferior Courts, where the Debt, Damage, or Thing, sued for, does not exceed Fifty Pounds, Proclamation Money.

I. Whereas by the late Inferior Court Law, Power was given to the Justices of the respective Courts to try all Causes where the Debt, Damage, or Thing sued for, did not exceed Fifty Pounds, Proclamation Money, and there being divers Suits commenced in the said late Courts, and not yet determined, for the Sum of Fifty Pounds, and no Provision having been made for the Tryal of such Causes in the Inferior Court Law already passed by the Council and Assembly; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Causes heretofore commenced in any of

the late Inferior Courts, wherein the Debt, Damage, or Thing sued for, shall exceed the Value of Twenty Pounds, Proclamation Money, and does not exceed the Sum of Fifty Pounds like Money, and not already determined, shall be tried in the said Courts, and in the same Manner, as if the sum sued for did not exceed Twenty Pounds; and the Justices are hereby declared to have Cognizance thereof, to give Judgment, and award Execution thereon, as fully and amply, to all Intents and Purposes, as in other Cases where the Debt, Damage, or Thing sued for, did not exceed the Value of Twenty Pounds, Proclamation Money; any Thing in the before Recited Act of Assembly, to the contrary, in anywise, notwithstanding.

CHAPTER IV.

An Act directing the Method of appointing Jurymen in all Causes, criminal and Civil.

I. Whereas a just Decision of Suits and Controversies in the several Courts of Justice in this Province, greatly depend on the Integrity and Capacity of Jurymen;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That no Person shall be a Jurymen in either of the Superior Courts of Justice within this Province who shall not be nominated, summoned and qualified, as is hereinafter directed; that is to say, The Justices of the Inferior Courts within the District of each respective Superior Court in this Province, shall and they are hereby directed, before the sitting of any Superior Court, to nominate Twenty Four Freeholders, to serve as grand Jurymen, and Twenty Four Freeholders to serve as Petit Jurors, at such Superior Court except the Justices of the Inferior Courts within the district of Salisbury who are hereby required to nominate twenty four Freeholders to serve as Grand Jurymen, and only Twelve Freeholders to serve as Petit Jurors at the Superior Court of the said District.

III. Provided always, That no Inferior Court shall, knowingly, nominate any Person to serve as a Grand or Petit Juror, at Two Courts Successively; nor any Person to serve on the Petit Jury, who shall have an Action or Suit to be tried in the Superior Court at the Term to which he shall be so nominated.

IV. And be it further Enacted, That the Number of Freeholders to be nominated for each County to serve as Jurors as aforesaid, shall be proportioned as follows, to-wit: New Hanover County, Sixteen; Bladen County, Ten; Onslow County, Eight; Duplin County, Eight; and Cumberland County Six for the District of Wilmington. Craven County, Eighteen; Carteret County, Four; Beaufort County, Six; Hyde County, Four; Dobbs County, Ten; and Pitt County, Six for the District of New Bern. Northampton County Ten; Halifax County, Twelve; Granville County, Eight; Orange County, Six; Edgecomb County, Eight; and Johnston County, Four; for the District of Halifax. Chowan County, Ten; Perquimons County, Six; Pasquotank County, Eight; Currituck County, Four; Tyrrell County, Six; Bertie County, Eight; and Hertford County, six, for the District of Edenton. Rowan County, Twenty Two; and Anson County Fourteen, for the District of Salisbury. A list of which Jurors so nominated, shall be delivered by the Clerk of each Inferior Court of Pleas and Quarter Sessions to the Sheriff, who shall, and is hereby required, to summon the Persons so nominated to serve as Jurymen at the Superior Court; And if any Jurymen so summoned shall fail to appear, he

shall be fined Three Pounds Proclamation Money, unless he can shew sufficient Cause to the next Court to excuse his Non-appearance; which Fine shall be applied to the Payment of such Jurors as shall attend from the said County, and thereby lessen the County Tax.

V. Provided always, That if the said Inferior Court of Pleas and Quarter Sessions shall fail or neglect to nominate Freeholders, to serve as Grand and Petit Jurors as aforesaid, or the Persons so nominated shall fail to attend, it shall and may be Lawful for such Superior Court to order and direct the Sheriff to summon other Freeholders of the Bystanders, to serve as Jurymen, for either Grand or Petit Juries; and the Persons so summoned, shall be deemed and held as lawful Jurymen; provided that such Bystanders as shall be summoned to serve the Petit Jury shall and may every Day, be discharged; and the succeeding Day, and so from Day to Day, during the Continuance of the Court, the Sheriff shall Summons, of the Bystanders, so many as shall be necessary; And every Person so summoned of the Bystanders who shall not appear and serve as a Jurymen, shall be Fined the Sum of Three Pounds, unless he can shew sufficient Cause, to be admitted by the Court, to be applied as before directed.

VI. And that the Fines aforesaid may be applied according to the Directions of this Act; Be it Enacted by the Authority aforesaid, That the Fines herein imposed shall be levied by the Sheriffs of each respective County wherein each Person shall reside, who shall be summoned as a Jurymen as is herein directed, and shall fail to appear and serve as such, and such Sheriff shall be accountable for the same to the Inferior Court of his County.

VII. And be it further Enacted by the Authority aforesaid, That the Sheriff of each respective County shall, and he is hereby required, to summon the Freeholders in the List to be delivered him by the Clerk of the Inferior Court of his County, at least Ten Days before the sitting of the Superior Court at which such Freeholders are to attend as Jurors, which he may do personally, or by leaving a Note or Summons in Writing, at the Dwelling House of such Freeholder so to be nominated as aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That the Clerk of each Superior Court shall, every Day during the Continuance of such Court, write the Names of all Petit Jurors appearing, on Scrolls or pieces of Paper, which shall be put into a Box; and on every Issue in every Suit, when it is not otherwise agreed by Consent, a Child under Ten Years old, in open Court, shall draw out of the said Box, Twelve of the said Scrolls or pieces of Paper; and the Persons whose Names shall be on the said Scrolls or Pieces of Paper drawn as aforesaid, shall be the Jurors to try such issue; provided that they shall all appear; and in Case of Defaulters, other Scrolls shall be drawn, till a sufficient Number shall appear to make a compleat Jury.

IX. Provided also, That if any of the Jurors whose Names shall be drawn as is hereinbefore directed, shall be lawfully challenged, other Scrolls shall be drawn in Manner aforesaid, as Occasion may require, till a compleat Number of Jurors shall appear.

X. And whereas the attending the Superior Courts will be very expensive to Jurors; For Remedy whereof, Be it Enacted by the Authority aforesaid, That each and every Juror who shall attend either of the Superior Courts, to which he shall be nominated as aforesaid, and summoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the Inferior Court of the County where he resides, shall have and receive Three Shillings Proclamation Money, for

every Day he shall travel and attend as aforesaid; and an allowance for his Ferriages, if certified as aforesaid, to be paid out of the County Tax.

XI. And be it further Enacted by the Authority aforesaid, That the Sheriff of each respective County of this Province shall Five Days at least before the Sitting of each respective Inferior Court, to be held after the passing of this Act, summon Twenty Four Freeholders to serve on the Grand Jury, and Twelve Freeholders to serve on the Petit Jury, to attend at such Courts respectively; which said Jurors shall appear and give their attendance accordingly till discharged by the Court; And that there may not be a Default of Jurors, it shall and may be lawful, during the Sitting of the Inferior Court, for the Sheriff by order of the said Court, to summon of the Bystanders, other Jurors to serve on the Petit Jury, from Day to Day, and on any Day of the said Court, the Justice may discharge those who have served the preceding Day.

XII. And to enforce the Attendance of Jurymen at the said Inferior Courts, Be it Enacted by the Authority aforesaid, That every Person who shall hereafter be summoned in Virtue of this Act to appear, either as a Grand or Petit Jurymen at any Inferior Court, and shall fail to appear or give his Attendance till discharged, by Order of the Court, shall be fined Forty Shillings by the Justices of the Inferior Court; to be applied Towards defraying the Charges of the County, and lessening the County Tax unless he shall shew sufficient Cause to the next succeeding Court for such Failure.

XIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Two Years, from and after the First Day of January next, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER V.

An Act for the better Care of Orphans, and Security and Management of their Estates.

I. Whereas the greatest Part of the Estates in this Province belonging to Orphans are of so inconsiderable Value that an application to the Court of Chancery, in many Instances, will occasion an Expence, which the Profits of them are not sufficient to defray; and it having been found by experience that the Court of each respective County, exercising the Power of regulating the Education of Orphans, and the Management of their Estates, have proved of singular Service to them;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That where any Person hath, or shall have any Child or Children under the Age of Twenty-One Years and not married, it shall and may be lawful to and for the Father of such Child or Children, whether born at the Time of his Death, or in Ventre famere, or whether such Father be within the Age of Twenty One Years, or of full age, by Deed executed in his Lifetime, or by his last Will and Testament in Writing, in such Manner, and from Time to Time, as he shall think Fit, to dispose of the Custody and Tuition of such Child or Children for and during such Time as he, she, or they shall remain under the Age of Twenty-One Years, or for any less Time, to any Person or Persons other than the People called Quakers and Popish Recusants; and every such Disposition heretofore made, or hereafter to be made, shall be good and effectual against all and every Person and Persons claiming the Custody and Tuition of such Child or Chil-

dren as Guardian, in soccage or otherwise; and the Person or Persons to whom such Custody and Tuition hath been, or shall be so Disposed or devised shall and may maintain an Action of Ravishment of Ward or Trespass against any Person or Persons who shall wrongfully take away or detain any such child or Children, for the Recovery of such Child or Children, and shall and may recover Damages for the same in the said Action, with Cost, for the Benefit of such Child or Children.

III. Provided nevertheless, That nothing in this Act contained shall be construed to hinder any of the People commonly called Quakers to make such Disposition, or to hinder the Superior or Inferior Courts from committing the Guardianship and Custody of their Children to the People of that Persuasion; and that every Person or Persons to whom such Tuition and Custody hath been, or shall be so disposed or devised as aforesaid shall and may take into his or their Possession, for the Use of such Child or Children the Profits of all Land, Tenements and Hereditaments; and also the Slaves, Goods and Chattels, and Personal Estate of such Child or Children; and may bring such Action or Actions in Relation thereunto, as by Law a Guardian in common Soccage might do.

IV. Provided always, That nothing hereinbefore contained shall extend to discharge any Apprentice from his Apprenticeship; and the Superior Court of the District, or the Inferior Court of Pleas and Quarter Sessions of the County wherein such Guardian shall reside, respectively, upon complaint to them made of such Guardian abusing the Trust reposed in him, by misusing the Child or Children so committed to his Tuition as aforesaid, in being about, or intending to marry such child or children in Disparagement, neglecting the Care of their Education suitable to their Estate, or wasting, converting to his own use, or otherwise mismanaging such Estate, to make and establish, from Time to Time, such Rules and Orders for placing such Child or Children under the Care and Tuition of any other Person or Persons, securing the Estate, and for the better Education and Usage of such Child or Children, as they, in their Discretion, shall Judge meet and necessary.

V. And be it further Enacted, by the Authority aforesaid, that the Superior Courts and Inferior Courts of Pleas and Quarter Sessions of this Province, within their respective Jurisdictions, have, and shall have full Power and Authority, from Time to Time, to take Cognizance of all Matters, concerning Orphans and their Estates, and to appoint Guardians in such Cases where to them it shall appear necessary; and shall take good Security of all Guardians by them to be appointed for the Estate of the Orphans by them committed; And if any Court shall commit an Orphan's Estate to the Charge or Guardianship of any Person or Persons without taking good and Sufficient Security for the same, the Justice or Justices appointing such Guardian shall be liable for all Loss and Damages sustained by the Orphan for want of such Security being taken; to be recovered by Action, at the Common Law, in any Court of Record in which the same is cognizable, at the Suit of the Party grieved.

VI. Provided always, That where the Securities were good at the Time of their being taken or accepted, but afterwards became insolvent, in such Case the Justice or Justices shall not be liable.

VII. And be it further Enacted, That the Bond to be given by any Person or Persons appointed Guardian as aforesaid, shall be made payable to the Justice or Justices present in Court and granting such Guardianship, the Survivors or Survivor of them, their Executors or Administrators, in Trust, for the Benefit of the child or Children committed to the Tuition and Care of such Guardian; which Bond such Court shall cause to be acknowledged be-

fore them and recorded; and that in the Name of the Justice or Justices to whom the said Bond is made payable, the Survivor or Survivors of them, their Executors or Administrators, any Person or Persons injured, may and shall, at his, her or their Costs and Charges, commence and prosecute a Suit against such Guardian and his Securities, Executors or Administrators; and shall and may recover all Damages which he, she, or they have sustained by Reason of the Breach of the Condition thereof.

VIII. Provided always, That if any Verdict or Judgment shall pass for such Guardian or his Securities, the Person at whose Instance such Suit shall be commenced or prosecuted, shall pay Costs.

IX. And be it further Enacted, by the Authority aforesaid, That when a Guardian shall be appointed to an Orphan by any Superior or Inferior Court, such Guardian shall, at the next Court after his appointment, exhibit an Account, upon Oath, of all the Estates of such Orphan which he or she shall have received into his or her Hands or Possession; and every Guardian heretofore, or hereafter to be by any such Court appointed, shall annually exhibit his Account, and State of the Profits and Disbursements of the Estate of such Orphan upon Oath; and such Account so to be exhibited, shall be entered by the Clerk in Particular Books to be provided and kept for that Purpose only; And when the said Courts shall know or be informed that any Guardian or Guardians by them respectively appointed, do waste or convert the Money or Estate of any Orphan to his or their own Use, or do in any Manner Mismanage the same, is about, or intends to marry him or her in Disparagement, or neglects to educate or maintain any Orphan according to his or her Degree and Circumstances, or where any such Guardian or his Securities are likely to become Insolvent; such Court shall have Power, from Time to Time, to make and establish such Rules and Orders for the better Ordering, managing, and Securing such Estate, and for the better Education of, and Maintaining such Orphans, or to appoint another Guardian, as they shall think Fit and Convenient.

X. And be it further Enacted, That every Guardian, Executors or Administrators, as soon as conveniently the same may be done, shall, by Order of the Superior or Inferior Court of Pleas and Quarter Sessions, cause the Sheriff to sell and dispose of all the Goods and Chattels of his or her Ward as are or may be liable to perish, consume, or be the Worse by using or keeping (except in the Instances hereafter mentioned) for the most that can be got for the same, by public Sale, having first advertised the same at all Public Places within the County at least Twenty Days before the Day of Sale, in reasonable Lots, and shall for enhancing the Price thereof, give Six Months' Credit, upon good Security given, for which service the Sheriff shall be allowed by the Court, so as such allowance does not exceed Two and a half per cent. and such Guardian after the Time of such Payment is passed, shall take and pursue all Lawful Ways and Means to receive and recover the Money, upon Pain of being answerable for the same; and if the same cannot be received before the Orphan intitled to receive such Money shall have a Right to Demand it, or such Guardian shall be removed from his Guardianship, he or she shall and may assign such Bond to such Orphan, and such Assignment shall discharge such Guardian for so much against him, her, or them; And where the Profits of any Orphan's Estate shall be more than sufficient to maintain and educate him or her, the Guardian of such Orphan shall lend the Surplus, and all other sums of Money in his Hands belonging to such Orphans, upon Bond, with good and sufficient Securities, to be approved of by the next succeeding Court and to be repaid with Interest; which Interest such Guardian shall ac-

count for annually; and where the Person or Persons to whom such Money shall be lent, or their securities, are likely to become insolvent, such Guardian shall use all lawful Means to enforce the Payment thereof, on Pain of being liable for the same as aforesaid; and an Assignment of such last mentioned Bond in either of the afore mentioned Cases, shall discharge such Guardian for so much as is specified in the Condition thereof.

XI. And be it further Enacted, That where any Orphan shall have Lands and a sufficient Number of Slaves to cultivate and Improve the same, such Slaves unless ordered by the Superior and Inferior Courts, shall be employed on the Lands and Plantations of such Orphan; and all Horses, Cattle, Sheep, or Hogs shall be kept upon such Lands and Plantations until such Orphan comes of Age; and he or she shall have the Benefit of the Increase, and shall sustain the Loss, if any shall happen.

XII. Provided nevertheless, That if any such Stock grow too numerous, or if it will be to the Advantage of such Orphan, his or her Guardian shall and may sell, by order of the Superior or Inferior Court, such Part of such Stock as such Court shall think Fit; and all Plate shall be preserved and delivered to such Orphan when at Age, in kind, according to weight and Quantity.

XIII. And be it further Enacted, That no Guardian shall let or farm out any Land belonging to any Orphan for a longer Term than the Orphan be of age, or in other Manner than by Lease, in writing; and that Special Care be had that the Tenant shall improve the Plantation; and that he or she keep the Houses, Orchards and Fences thereon, or that shall be erected on the same, in good and sufficient repair, and leave the same so at the expiration of such Lease; and that provision be made in such Lease for preventing all kind of Waste, and employing any Timber to any other Use than the Immediate Use of the Plantation.

XIV. And be it further Enacted, That if the Guardian of any Orphan shall suffer his or her Lands to lapse or become forfeited for Non-Payment of Quit Rents, such Guardian shall be liable to answer the full value of the lands so forfeited unto such Orphan at his or her coming of Age; And if it shall so happen that any Orphan shall not have slaves, to cultivate his or her lands and the Guardian of such Orphan cannot Rent the same for sufficient to pay and discharge the Quit Rents thereof, and there shall not be Personal Estate sufficient for that Purpose, it shall and may be lawful for such Guardian, with the Consent and approbation of the Superior or Inferior Court, annually, to sell or dispose of, or use so much of the Light-Wood, to box so many Pine Trees, or to sell so much of the Timber on the same, as shall raise sufficient to pay and satisfy the Quit Rents thereof, and no more.

XV. And be it further Enacted, by the Authority aforesaid, That the Justices of every Inferior Court of Pleas and Quarter Sessions in this Province, respectively, shall on the First Day of the Court that shall be held next after the First Day of January in every Year, hold an Orphan's Court for the Purpose aforesaid; and every Person heretofore appointed or that shall hereafter be appointed Guardian to any Orphan by any Court, or by Deed or Will as aforesaid, shall exhibit such Account as aforesaid, and the Justices of every Court shall, at the same Court, examine into all Accounts of Guardians so to be exhibited to them, and shall direct a Summons to issue, returnable to their Next Court, against all Guardians who shall then fail to appear and render such Account, whether such Guardian be resident in the same or any other County, and shall then also Enquire into the abuses and Mismanagement of Guardians; and whether They or their Securities are likely to become Insolvent, and thereupon to proceed according to the Power

in this Act before given; and if any such Guardian shall wilfully neglect, after being Summoned as aforesaid, to appear or obstinately refuse to exhibit such Account, it shall and may be lawful for the Court to issue an Attachment for such Contempt, and to commit such Guardian until he or she shall exhibit such Account.

XVI. Provided always, That nothing hereinbefore contained shall be construed to restrain the Power of the Inferior Courts of Pleas and Quarter Sessions in enquiring, as often as they shall think Proper, into the Abuses and Mismanagement of Guardians; but that it shall be lawful for them to execute such Power at any Time or Times when to them it shall appear necessary, anything in this Act contained to the contrary, notwithstanding.

XVII. And be it further Enacted, That the Grand Jury of every County in this Province shall, annually, at the Orphan's Court to be holden for their Counties, respectively, be charged with, and present to the Justices thereof, in Writing, the Names of all Orphan Children within their Parish, that they shall know have not Guardians appointed them, and are not bound out to some Trade or Employment; and all Abuses, Mismanagements and neglect of such Guardians as live within their County.

XVIII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for every Guardian to Charge in his Account all reasonable Disbursements and Expences; and if, upon rendering such Account, it shall appear to the Court that such Guardian hath, really and bona fide, disbursed more in one Year than the Profits of the Orphan's Estate do amount unto, for the Education and Maintenance of such Orphan, such Guardian shall be allowed and paid for the same out of the Profits of such Orphan's Estate in any other Year.

XIX. Provided always, That such Disbursements be, in the Opinion of such Court, suitable to the Degree and Circumstances of the Estate of such Orphan; and that where such Estate shall be of so small Value that no Person will educate and Maintain him or her for the Profits thereof, such Orphan shall, by Direction of the Court, be bound Apprentice; every Male to some Tradesman, Merchant, Mariner, or other Person approved by the Court, until he shall attain to the Age of Twenty-One Years; and every Female to some suitable Employment, till her age of Eighteen Years; and also such Court may, in like Manner, bind Apprentice and all free base born Children; and every such Female Child being a Mulatto or Mustee, until she shall attain the Age of Twenty One Years; And the Master or Mistress of every such Apprentice, shall find and provide for him or her Diet, Clothes, Lodging, Accommodations, fit and necessary; and shall teach or cause him or her to be taught, to read and Write; and at the Expiration of his or her Apprenticeship, shall pay every such Apprentice the like Allowance as is by law appointed, for Servants by Indenture or Custom; and on Refusal, shall be compelled thereto, in like Manner; and if upon Complaint made to the Inferior Court of Pleas and Quarter Sessions, it shall appear that any such Apprentice is ill-used, or not taught the Trade, Profession, or Employment to which he or she was bound, it shall be lawful for such Court to remove and bind him or her to such other Person or Persons as they shall think fit.

XX. And be it further Enacted, That the Binding of Such Apprentice by Order of Court as aforesaid, shall be by Indenture, made in the Name of the Presiding Acting Justice of the Court, and his Successors, of the One Part, and of the Master or Mistress to whom he or she shall be bound, of the other which Indenture shall be acknowledged or proved before such Court, and recorded, and a Counterpart thereof shall remain and be kept in the Clerk's

Office for the Benefit of such Apprentice; and that any Person or Persons injured may and shall, at his or her Costs and Charges, prosecute a Suit thereon in the Name of such Justice, or his Successors, and recover all Damages which he or she may have sustained by Reason of the Breach of the Covenants therein contained; and if any Verdict or Judgment shall pass for such Master or Mistress, he or she shall recover Costs.

XXI. And be it further Enacted, by the Authority aforesaid, That where any Person who now is, or hereafter shall be Security for the Estate of any Orphan, shall conceive himself in danger by Reason thereof, and Petition the Court where such Security was entered into for Relief, it shall be lawful for such Court, upon Petition to them exhibited, forthwith to order Summons to Issue, against the Party or Parties with and for whom the Petitioner stands bound, returnable to the next Court; and thereupon to compel such Party or Parties to give sufficient other or Counter Securities, to be approved by the said Court, or to deliver up the said Estate to the said Petitioner, or such other Person as the Court shall direct; or they may, and are hereby empowered, to make such other Order or Rule therein for the Relief of the Petitioner, and better securing such Orphan's Estate, as to them shall appear just and equitable.

XXII. Provided always, That such Court shall take Good and Sufficient Security of the Person or Persons to whom such Estate shall be so Committed, in like manner, and under the like Penalty, as is by this Act required to be taken of Guardians appointed by the Court; and every such Person shall also exhibit his Account, and be subject to the Rules and Orders of the Court, in the same Manner, to all Intents and Purposes, as is hereinbefore required of Guardians, or they are made subject unto.

XXIII. And be it further Enacted, by the Authority aforesaid, That all Legacies, filial Portions, distributive Shares of Intestates' Estates, Sum or Sums of Money, or other Estate, due or owing from any Person appointed Guardian to any Orphan, or from any Executors or Administrators, or other Person whatsoever, shall and may be recovered by Petition to the Superior Courts of the Districts, or any Inferior Courts of Pleas and Quarter Sessions, Respect being had to the Jurisdiction of the said Court; and that in all Suits by Petition as aforesaid, and in the said Courts respectively, the following Rules and Methods shall be observed, to-wit, The Petitioner shall file his Petition in Court, upon exhibiting the same, and thereupon Summons shall be issued by the Clerk of Course; and that upon the Defendant's being served therewith, and with a Copy of the said Petition, he shall appear and put in his answer or Plea, upon Oath or Demur.

That upon an Answer, Plea, or Demurrer being filed as aforesaid, the Petitioner may move the Court to have the same set for Hearing, and immediately argued, and thereupon the Court shall proceed to hear and determine the same according as the Matter in Equity and Law shall appear to them, without regard to Form, or want of Form in the Petition, Process or Course of Proceedings.

That upon the Defendant's being served with a Summons, and a Copy of the Petition ten Days before the Court to which such Summons is returnable, and Oath made thereof, if he shall fail to appear and plead, answer or demur as aforesaid, the Petitioner's Petition shall be taken pro confesso, and the Matter thereof decreed accordingly, with Costs; unless on special Reasons shewn to, and approved of by the Court, Time shall be allowed such Defendant to file such Plea, Answer, or Demurrer.

That upon the Petitioner dismissing his Petition, or the same being Dismissed for want of Prosecution, he shall pay Costs.

And if any Defendant shall appear on such Summons, and shall obstinately refuse to answer the Petition of the Petitioner, the same shall be taken pro confesso, and the Matter decreed as aforesaid.

Every Defendant shall be at Liberty to swear his Answer or Plea before any Justice.

That when a Plea or Demurrer shall be overruled, the Defendant shall file his Answer the same Court.

That when the Petitioner shall be minded to disprove the answer of the Defendant and support his Claim, he may reply.

Commissions to examine Witnesses may be awarded by the Court after Replication filed, the Party taking out such Commission, giving the Adverse Party Ten Days' Notice of the Time and Place of executing the same and that upon a Decree being made on any such Petition, it shall and may be lawful for the Court who shall make the same, to grant Execution against the Defendant's Body, Goods and Chattels, Lands and Tenements, for satisfying such Decree and Costs; Any Law, Usage, or Custom to the contrary notwithstanding.

XXIV. And be it further Enacted, by the Authority aforesaid, That when any Person shall conceive himself injured or aggrieved by Order or Sentence of any Inferior Court, in appointing a Guardian to any Orphan, or in removing any Orphan from the Care and Tuition of any Person who has been appointed such, or on Refusing to make such appointment or Removal as aforesaid, he may appeal from such Order or Sentence to the Court of Chancery of this Province, or to the Superior Court of the District, at his Option; and the Party praying such Appeal, shall file a Copy of the Proceedings of the Inferior Court therein with the Clerk of the Chancery, or Clerk of the Superior Court (as the Case may be) Fifteen Days before the Sitting of such Court, and thereupon it shall and may be lawful for the Court, to which such Appeal is made, to proceed to rehear the Matter, and either affirm or reverse, such Order or Sentence and thereupon to award Execution for all such Costs and Charges as shall be occasioned by such Appeal.

XXV. Provided nevertheless, That the Party praying for such Appeal, before the same shall be granted by the Inferior Court, shall enter into Bond, with sufficient Security, for prosecuting such Appeal with Effect; and the Payment of all such Costs and Charges as shall be awarded against him in Case he shall be cast in his said Appeal.

XXVI. Provided also, That nothing in this Act contained shall be construed to restrain or abridge the Power of the said Court of Chancery, in any Matter or Thing relating to Orphans or their Estates; but the said Court shall and may hold, use, exercise and enjoy, the same jurisdictions, Powers and Authorities therein, in as full and ample Manner, to all Intents and Purposes, as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

CHAPTER VI.

An Act for making Provision for an Orthodox Clergy.

I. Whereas making a reasonable and certain Provision for an Orthodox Clergy, may tend to encourage pious and learned Ministers of the Gospel to settle in the several Parishes in this Province;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Minister, now or hereafter to be preferred to, or received into any Parish within this Province, as Incumbent thereof shall

have and receive a Salary of One Hundred and Thirty Three Pounds Six Shillings and Eight Pence, Proclamation Money; to be paid by the Church Wardens on or before the last Day of June, Annually; And every Minister of a Parish may take and receive, for the Services hereinafter mentioned, the following Fees, to-wit:

For marrying, if by Licence, Twenty Shillings, if by Banns, Five Shillings.

For publishing Banns, and granting Certificate thereof, One Shilling and Six Pence.

For preaching a Funeral Sermon, if required, Forty Shillings Proclamation Money. And may demand and receive the said Perquisites, if he shall not refuse or neglect to do the said Services, although such Services shall be performed by any other Person.

III. And be it further Enacted, by the Authority aforesaid, That in every Parish of this Province, where a Glebe is not already purchased and appropriated, a Tract of Good arable Land, to contain Two Hundred Acres at least, shall be purchased by the Vestry, as a Glebe, for the Use of the Incumbent of such Parish, for the Time Being, and his Successors, forever: and until such Glebe shall be purchased, and Buildings erected thereon, in Manner hereinafter Mentioned, the Minister of such Parish shall have and receive the Sum of Twenty Pounds Proclamation Money, Annually.

IV. And where a Mansion House, and convenient Out Houses are not already erected, for the Use of the Minister, it is hereby Enacted, That the Vestry of every such Parish are hereby authorized, impowered, and required to cause to be erected and built on such Glebe, one convenient Mansion-house, of Thirty Eight Feet in length, and Eighteen Feet in width, a Kitchen, Barn, Stable, Dairy, and Meat house, with such other conveniences as they shall think necessary.

V. And to the End that the Buildings already erected or hereafter to be erected upon every Glebe may be kept in good Condition; It is hereby further Enacted That the Minister of every Parish within this Province, shall during the Time of his being Incumbent of the Parish, keep and Maintain the Mansion House, the Out-Houses, and other conveniences erected, or to be erected on his Glebe, in tenantable Repair, and shall so leave the same at his Removal from his Parish, or Death, (Accidents by Fire or Tempests only excepted); And in Case any Minister shall fail so to do, such Minister, his Executors or Administrators, shall be liable to the Action of the Church Wardens of the Parish for the Time being; wherein the Value of such Repair shall be recovered, and Damages, with Costs of Suit; and the Damages so recovered, shall be applied and laid out in necessary Repairs upon the Glebe; And every Vestry of a Vacant Parish is hereby impowered and required, to put all the Buildings upon the Glebe of their Parish into such good and sufficient Repair, that they may be fit for the Reception of the succeeding Minister.

VI. Provided nevertheless, That any Vestry who shall Judge that the Minister has not, wilfully committed any Waste on his Glebe, shall make such necessary Repairs, at the Charge of the Parish, as they shall think proper.

VII. And be it further Enacted, by the Authority aforesaid, That the sole Right of Presentation of a Minister to every Parish within this Province, shall be and remain in the several Vestries thereof, where a Vacancy now is, or hereafter shall happen.

VIII. And be it further Enacted, by the Authority aforesaid, That where any Parish is, or shall become vacant by the Death or Removal of the Minister, or otherwise, the Vestry of such Parish shall have full Power to em-

ploy some neighboring Minister or proper Reader to officiate, until an Incumbent may be had, That Divine Service may not be neglected.

IX. Provided always, That no Vestry shall present as a Minister to their Parish, any Person who shall not first have a Certificate from the Bishop of London, that such Minister hath been duly ordained conformable to the Doctrine and Discipline of the Church of England, and is of a good Life and Conversation.

X. And be it further Enacted, by the Authority aforesaid, That if any Clergyman presented to any parochial Living within this Province, shall be guilty of any gross Crime or notorious Immorality, it shall be lawful for the Governor or Commander in Chief for the Time being, by and with the Advice of his Majesty's Council to remove and discharge the said Clergyman from serving the Cure of such Parish whereof he was incumbent; and such Removal and Discharge shall be deemed, held and taken to be of the same Force and Effect, as any Sentence of Deprivation in any Ecclesiastical or other Court whatsoever; any Law, Usage, or Custom to the contrary notwithstanding.

XI. And be it further Enacted by the Authority aforesaid, That all and every other Act or Acts, and every Clause and Article thereof, for so much as relates to any Matter or Thing within the Purview of this Act (except One Act of Assembly, intituled, An Act to confirm an Agreement made by the present Church Wardens and Vestry of Christ Church Parish, in Craven County, with the Reverend James Reed; and also one Act intituled, An Act to confirm an Agreement made with the Church Wardens and Vestry of Edgecomb Parish, in Halifax County, with the Reverend Thomas Burgess) from henceforth, shall be repealed and made void.

CHAPTER VII.

An Act for the further continueing and amending an Act for appointing a Militia; and also to continue one other Act intituled, An Act to amend and continue an Act intituled, An Act for appointing a Militia.

I. Whereas an Act for appointing a Militia passed at Wilmington the Fourteenth Day of July, in the Year of our Lord One Thousand Seven Hundred and Sixty; and one other Act to amend and continue an Act For appointing a Militia, passed the Third Day of December, One Thousand Seven Hundred and Sixty, are near expiring; and it being necessary the said Acts should be amended and continued;

II. Be it Enacted by the Governor, Council, and Assembly and by the Authority of the same, That for the Future all Coroners and Constables in this Province, so long as they continue in Office, shall be exempt from inlisting themselves, and appearing at any Private or general Musters; any Thing in the before recited Acts to the contrary notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That the above recited Acts, intituled, An Act for appointing a Militia, passed at Wilmington the Fourteenth Day of July, in the Year of our Lord One Thousand Seven Hundred and Sixty. And an Act intituled, An Act to amend and continue an Act for appointing a Militia, passed the Third Day of December, One Thousand Seven Hundred and Sixty; and each and every Clause and Article in them, respectively, shall be and continue in Force for and during the Space of One Year from and after the passing hereof, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER VIII.

An Act appointing the Method of distributing Intestates Estates.

I. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same; That all and every Person and Persons to whom Administration on the Estate of any Person deceased shall hereafter be granted, shall distribute the Surplus of such Estate in Manner following; that is to say, One Third Part of the said Surplus to the Wife of the Intestate, and all the rest by equal Portions, to and amongst the Children; And in Case any of the Children be then Dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the settlement of the Intestate, or shall be advanced by the Intestate, in his Life time, by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; and in Case any Child (other than the Heir at Law) who shall have any Estate by settlement from the said Intestate, or shall be advanced by the said Intestate in his Life time by Portions not equal to the share which will be due to the other Children by such Distribution as aforesaid, (such settlement or Advancement to be adjudged to the Value it was Worth at the Time of the Settlement or advancement); then so much of the Surplus of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life time of the Intestate as shall make the Estate of all the Children to be equal as near as can be estimated; but the Heir at Law, notwithstanding any Land that he shall have by descent, or otherwise from the Intestate, is to have an equal part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent, or otherwise from the Intestate; And in Case there should be no Children nor any Legal Representatives of them, then, One Moiety of the said Estate to be allotted to the Wife of the Intestate; the Residue of the said Estate to be distributed equally to every of the next of Kin of the Intestate who are in equal Degree, and to those who legally represent them; provided that there be no Representatives admitted amongst Collaterals after Brothers and Sisters Children; and in case there be no wife, then all the said Estate to be distributed equally to and amongst the Children; and in case there be no Child then to the next of Kindred, in equal Degree, of, or unto the Intestate, and their Legal Representatives as aforesaid, and in no other Manner whatsoever; And if, after the Death of the Father, any of his Children shall die Intestate, without Wife or Children, in the Life time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share, with the Mother, of the Estate of the Child or Children so dying Intestate.

II. And be it further Enacted by the Authority aforesaid, That so much of an Act of Assembly, intituled, An Act concerning proving Wills, and granting Letters of Administration, and to prevent Frauds in the Management of Intestates Estates, as is within the Purview of this Act, is hereby repealed and made void.

CHAPTER IX.

An Act for the more easy recovery of Money due upon Promissory Notes, and to render such Notes negotiable.

I. Whereas promissory Notes are of great Utility, as well to Merchants as others, and there being no Method of recovering Money, specified in such

Notes, by any Act of Assembly in Force in this Province; For Remedy whereof,

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Notes signed by any Person or Persons, Body Politic or Corporate, or by the Servant or Agent of any Corporation, Banker, Merchant or Trader, who is, or shall be usually intrusted to sign such Promissory Notes for them, whereby such Person or Persons, Body Politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, shall promise to pay any Person or Persons, Body Politic or Corporate, or the Servant or agent of any Corporation, Banker, Merchant, or Trader, or Order; The Money mentioned in such Note, shall be construed to be, by Virtue thereof, due and payable to such Person or Persons, Body Politic or Corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, to whom the same is made Payable; and also, such Note payable to such Person or Persons, Body Politic or Corporate or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, or Order, may be assignable over in like Manner as Inland Bills of Exchange are by Custom of Merchants in England; and the Person or Persons, Body Politic or Corporate, or the Servant or agent of any Corporation, Banker, Merchant, or Trader, to whom such Money is or shall be payable, may maintain an Action for the same, as they might upon such Bill of Exchange, and the Person or Persons, Body Politic or Corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, to whom such note so payable to Order is assigned or Indorsed, may Maintain an Action against the Person or Persons Body Politic or Corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, who signed, or shall sign such Note, or any who shall or have indorsed the same, as in Case of Inland Bills of Exchange, and recover Damages, and Costs of Suit; and in Case of Non-Suit, or a Verdict should pass against the Plaintiff, the Defendant shall recover Costs.

III. And be it further Enacted, by the Authority aforesaid, That all Judgments heretofore recovered in any Court of Law within this Province, on any such promissory Note or Notes, shall be good and valid, to all Intents and Purposes and shall not be reversed for any Matter or Cause relating to such note or notes, and all Actions heretofore commenced in any of the said Courts on any Promissory Note or Notes, and not already determined, shall be prosecuted, carried on, and Judgment thereupon had in like Manner as is directed for the Recovery of Money due upon Promissory Notes by an Act of Parliament made in the Third and Fourth Years of the Reign of her late Majesty Queen Anne, for making such Notes Negotiable.

IV. And be it further Enacted, by the Authority aforesaid, That when any Person or Persons shall, by Order in Writing, signed by his or their Proper Hand, direct the Payment of any Sum or Sums of Money, in the Hands or Possession of any other Person or Persons, to the Bearer, or any Person or Persons whatsoever the Money therein specified, shall by Virtue Thereof be due and payable to such Person or Persons to whom the same is drawn payable, and may be put in suit against the Person or Persons who shall draw the same, or against the Person or Persons on whom the same shall be drawn, after acceptance thereof by him or them to whom the same shall be made payable, and recover Damages.

V. Provided nevertheless, That no Person or Persons whatsoever, shall prosecute any suit against any Person or Persons, who shall give such Order, for the Money therein Mentioned, before the same shall have been first protested for Non-acceptance, and Notice given thereof to the Drawer,

before such Suit shall be brought; and if any Suit shall be brought on any such Order before Notice, and Refusal to pay as aforesaid, the Plaintiff or Plaintiffs shall be Non-Suit, and pay Costs.

CHAPTER X.

An Act to amend An Act, intituled An Act for the Relief of Poor Debtors, as to the Imprisonment of their Persons; passed the Fourteenth Day of April, In the Year of Our Lord One Thousand Seven Hundred and Forty-nine.

I. Whereas by the before recited Act, the Court of the County where any such Debtor is imprisoned on Mesne Process, or Execution, or in the Vacation of such Court, any two Justices may, under the Rules and Directions therein mentioned, set at Liberty and Discharge any such Poor Debtor that hath not the Value of Forty Shillings Sterling Money, in any Worldly Substance; or that shall be minded to deliver up all his or her Effects to his or her Creditor on whose Suit any such Debtor is imprisoned; the said Creditor being first personally summoned to appear, to shew Cause, if any he or she hath, why such Debtor shall not have the benefit of the said Act; which Summons, some Times, cannot be served, by Reason of such Plaintiff or Creditor living or being out of the Province, which Disables such poor Debtor from having the Relief intended by said Act; For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That where any such Plaintiff or Creditor lives or resides out of this Province, or is so removed that a Summons cannot be served on him or her, it shall and may be lawful for the Court from whence such Process Issued, to summons the Attorney of such Plaintiff or Creditor in the Room and Stead of such Plaintiff or Creditor, to shew Cause, if any he hath, why such Debtor should not be set at Liberty and discharged agreeable to the before recited Act; which said Summons shall be Executed at least Ten Days before the Sitting of the Court to which the same is made Returnable; and after so summoning such Attorney, the said Court are hereby directed to set at Liberty and Discharge such Poor Debtor agreeable to the before recited Act; any Thing herein contained to the contrary notwithstanding.

CHAPTER XI.

An Act to amend and further continue an Act, intituled An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort; passed the Thirty-first Day of May, One Thousand Seven Hundred and Fifty Two, for Five Years.

I. Whereas the aforesaid Act having been found very beneficial to the Trade and Commerce of this Province, had continued, by one other Act passed the sixteenth Day of May, One Thousand Seven Hundred and Fifty seven, for Five Years Longer, and to the End of the next session; which said Five Years is now expired; and as the said Act is still found to be very necessary and of great Use to the Trade and Commerce as aforesaid, in every respect, excepting the Taxes laid on Vessels coming over Ocacock Bar, for putting up Beacons, staking and marking out the several Swatches and Channels therein mentioned; which Taxes are found too high and bur-

thensome, as some of said Swatches and Channels are found unserviceable and unnecessary to stake out.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the before Recited Act, intituled, An Act, for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort, excepting such Part thereof as relate to the Taxes laid on vessels coming over Ocacock Bar, be and is hereby continued for the Term of One Year, from and after the passing of this Act, and to the End of the next Session of Assembly, and no longer; and in the Room and Stead of the Taxes laid in the before recited Act on all vessels coming into this Province over Ocacock Bar, the following Taxes shall, by every such Vessel, be paid, and no more; that is to say,

Every Vessel of Fifty Tons Burthen, or under, Six Shillings.

Every Vessel above Fifty Tons, and under One Hundred Tons, Twelve Shillings.

And every Vessel above One Hundred Tons, Twenty Shillings.

For setting up Beacons, Staking out the Swatch, Royal-Shoal, and Brant Island Shoal; and for staking out Pamlico and Matchapungo Rivers, the Channels leading thereto, and the several Navigable Creeks, and entering into the said Port of Bath, shall pay Six Shillings, towards Staking out the same. And for staking out Neuse and South Rivers, the Channels leading thereto, and the several navigable Creeks therein, every Vessel going to either said Rivers or Creeks, and Entering in Port Beaufort, shall pay six Shillings, towards staking out the same; Anything in the before recited Act to the contrary notwithstanding.

CHAPTER XII.

An Act for dividing the County of Anson, and other Purposes.

I. Whereas by Reason of the large Extent of the County of Anson, it is greatly inconvenient for the Inhabitants to attend the Court of the aforesaid County, General Musters, and other Public Duties by Law required;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the Same, That from and after the First Day of February, the said County of Anson shall be, and is hereby divided into Two Distinct Counties, by a Line beginning at Lord Carteret's Line, Six Miles North East from Captain Charles Hart's plantation on Buffalo Creek, and to run from thence to the Mouth of Clear Creek which empties itself into Rocky River, below Captain Adam Alexander's; and from thence due South, to the Bounds of the Province of South Carolina; and that all that Part of the said County which lies to the Eastward of the said Dividing Line, shall be a distinct County, and remain and be called by the Name of Anson County; and that all that Part of the said County lying to the Westward of said Dividing Line, shall be thence forth one other Distinct County, and called by the Name of Mecklenburg.

III. And be it further Enacted, by the Authority aforesaid, That after the said First Day of February next, a Court for the said County of Anson shall be constantly held by the Justices thereof, at such Place as shall be laid off and agreed upon by the Commissioners herein after mentioned for directing and agreeing with Workmen, for Building the Public Buildings, for the said County of Anson, or the Majority of them, upon the Days and Times by Law appointed for that Purpose; and also, that a Court for the said County of Mecklenburg, shall constantly be held by the Justices thereof,

at such Place as shall be laid off and agreed upon by the Commissioners herein after named, for the Directing and agreeing with Workmen for building the Public Buildings for the said County of Mecklenburg, upon the Third Tuesdays in January, April, July, and October, in every Year, as by the Laws of this Province is, or shall be provided, and by Commission, shall be directed, to the Justices of the said Counties, respectively.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Anson, as it now stands Undivided, to make Distress for any Levies, Fees, or other Duties, that shall be due from the Inhabitants of the said County on the said First Day of February, in the same Manner as he could or might have done by Law if the said County had remained undivided; and the said Levies, Fees and other Duties, shall be accounted for, in the same Manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

V. Provided always, That nothing herein contained shall be construed, deemed or taken, to alter or derogate, from the Right and Royal Prerogative of his Majesty, his Heirs or Successors, of granting Letters of Incorporation to the said County of Mecklenburg, and of ordering appointing, and directing the Election of Members to represent the same in Assembly, and granting Markets and Fairs to be kept and held in the said Counties, respectively; but that the said Right and Prerogative shall and may, at all times hereafter be exercised therein by his said Majesty, his Heirs and Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

V. And be it further Enacted, by the Authority aforesaid, that One Act of Assembly, made and passed in the Year of our Lord One Thousand Seven Hundred and Fifty Six, intituled, An Act for establishing Public Roads and Ferries, and for the better Regulation of the same in the several Counties; and all the Powers and Authorities therein, and every Clause and Article thereof, shall extend to the said County of Mecklenburg, and be in as full Force within the same, to all Intents and Purposes as if the said County had been particularly named in the said Act.

VII. And be it further Enacted, by the Authority aforesaid, That Anthony Hutchins, Stephen Jackson, Walter Gibson, James Hutchins, and Samuel French the Survivors or Survivor of them, be, and hereby appointed Commissioners, and impowered and directed to agree and contract with Workmen for erecting and building a Court-House, Prison and Stocks, for the Use of the said County of Anson; and that Robert Harris, Sen., Robert McClannahan, Richard Berry, Nathaniel Alexander, Abraham Alexander, John Frobock, and Thomas Polk, the Survivors or Survivor of them, be, and are hereby appointed Commissioners, and impowered and Directed to agree and contract with Workmen, for erecting and building a Court-House, Prison, Pillory, and Stocks, for the use of the said County of Mecklenburg.

VIII. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings; Be it further Enacted, by the Authority aforesaid, That a Poll Tax of Three Shillings, Proclamation Money, per Annum, shall be levied on each Taxable Person in the said Counties respectively, for Two Years next after the First Day of February next; and that all Persons in either of the said Counties, who shall neglect to pay the said Tax till after the Tenth Day of March, in each Year, shall thereafter be liable to the same Distress as for Non-payment of Public Taxes; and the Sheriff of each of the said Counties is hereby required and directed, on or before the Tenth Day of June, in the said Years respectively, to account

for, and pay the Money so by him to be collected, to the Commissioners aforesaid, after deducting Six Per Cent, for his Trouble in collecting the same; that is to say, so much thereof, as shall be levied on the Taxable Persons of the County of Anson, to the aforesaid Anthony Hutchins, Stephen Jackson, Walter Gibson, James Hutchins, and Samuel French, the Survivors or Survivor of them; and such Part of the same as shall be levied on the Taxable Persons in the County of Mecklenburg, to the aforesaid Robert Harris, Sen., Robert McClannahan, Richard Berry, Nathaniel Alexander, Abraham Alexander, John Frobock, and Thomas Polk, the Survivors or Survivor of them; and Case of Failure or Neglect therein by the Sheriff, he shall be liable to the same Penalties, Restrictions, Process and Remedy, for enforcing the Payment thereof, as by Law may be had against Sheriffs who neglect or refuse to account for and pay public Taxes.

IX. . Provided nevertheless, That if the Money so to be collected shall be more than sufficient to answer the Purposes aforesaid, the said Commissioners respectively shall account for, and pay the overplus thereof to the Justices of the Court of the County for which they are hereby appointed Commissioners; to be applied towards defraying the contingent Charges of such County.

X. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of Anson, for the Time Being, after the said Tenth Day of June, shall account with, and pay to the Public Treasurer of the Southern District of this Province, all Public Taxes by him collected, under the like Rules and Restrictions, Pains, Penalties, Process and Remedy, as other Sheriffs are by Law subject to in like cases.

XI. And be it further Enacted, by the Authority aforesaid, That all Causes, Pleas, Writs, Actions, Suits, Complaints, Process, Precepts, Recognizances and other Matters and Things in the said Court of Anson depending, from and immediately after the First Day of February aforesaid, shall stand adjourned and continued from the present Court House of the said County to such Place as the Commissioners, or the Majority of them for the County of Anson aforesaid, shall so appoint, lay off, and agree upon; and all appearances and Returns of Process shall be made on the Day by Law appointed for Holding the said Court, to the Fourth Tuesday in April next; and all Suitors and Witnesses bound to appear thereat, in the same Manner as if the said Court had not been removed from the present Court House; and all subsequent Process which shall or may issue on any Action already commenced and not determined in the said Court of Anson, shall be directed to, and executed by the Sheriff of Anson County, to the Final Determination of such Causes; any Law, Usage, or Custom to the contrary notwithstanding.

XII. And be it further Enacted, by the Authority aforesaid, That after the said First Day of February, the County of Mecklenburg shall be continued and remain Part of the District of the Superior Court of Justice for the District of Salisbury; and the Justices of the said Inferior Court of Mecklenburg shall, and they are hereby directed, before every Superior Court held for the District aforesaid, to nominate and appoint Eleven Freeholders to serve as Grand and Petit Jurors at such Superior Court; A List of Which Jurors so nominated, shall be delivered by the Clerk of such Court to the Sheriff; who shall and is hereby required, to summons the Persons so nominated to serve as Jurymen at the said Superior Court; which Jurymen so nominated shall have and receive the same allowance, and shall be under the same Rules, Fines, and Restrictions, as other Jurymen are in the respective Counties of this Province.

XIII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Inferior Court of Pleas and Quarter Sessions of the Counties of Rowan and Anson, for the Future, to nominate and appoint the following Number of Freeholders to serve as Grand and Petit Jurors, at the District of Salisbury aforesaid; that is to say Rowan Eighteen, and Anson Seven; any Law, Usage, or Custom to the contrary notwithstanding.

CHAPTER XIII.

An Act for establishing a Town on the Land of William Herritage, at a Place called Atkin's Banks, in Dobbs County.

(Printed in Private Acts, *post.*)

CHAPTER XIV.

An Act for establishing a Town on the Lands of John and William Russell, Minors, Sons of John Russell, deceased, on the West Side of the North-West Branch of Cape Fear River, near the Mouth of Cross Creek, by the Name of Campbellton, and other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER XV.

An Act to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court, to repair the Public Prison thereof, and other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER XVI.

An Act to Impower Thomas Bonner, Jun., late Sheriff, to receive and Collect the Arrears of Taxes due in the Counties of Beaufort and Pitt, for the Year One Thousand Seven Hundred and Sixty.

(Printed in Private Acts, *post.*)

CHAPTER XVII.

An Act to establish a Public Road from the Court House in Currituck County, across the great Swamp, to the Bridge on North River, near the Indian Town.

(Printed in Private Acts, *post.*)

CHAPTER XVIII.

An Act for destroying Vermin in the County of Orange, and other Counties therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER XIX.

An Act to enable the Commissioners of the Church of Edenton to discharge the Contract by them made with the Workmen employed in finishing the Inside of the said Church.

(Printed in Private Acts, *post.*)

CHAPTER XX.

An Act for enlarging the Time allowed for saving Lots in the Town of Hertford, and other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER XXI.

An Act for altering the Method of working on the Roads, and appointing Public Ferries, within the Counties of Duplin, Cumberland, Rowan, and Anson.

(Printed in Private Acts, *post.*)

CHAPTER XXII.

An Act to apply the Money already levied on the Taxable Inhabitants of Currituck County, by Virtue of an Act, intituled, An Act to amend and Improve the Navigation from Currituck Inlet, through the District in Currituck County, to Albemarle Sound.

I. Whereas by the above recited Act, a considerable Sum of Money has been levied on the Taxable Inhabitants of Currituck County, for the amending the Navigation of Currituck Inlet, that remained still in the Hands of the Commissioners appointed in the said Act, which it is prayed may be applied toward the alleviating the Taxes of the Inhabitants of the said County.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Vestry of Currituck Parish in the County of Currituck, shall have full Power and Authority to ask and demand of Joshua Campbell, John Woodhouse, and William Mackey, Commissioners in the said Act Mentioned, an Account of all the Sums of Money they the said Commissioners may have received of the several Sheriffs of the said County, and upon their faithfully accounting to receive the same:

And the said Vestry are hereby further impowered, if the said Commissioners shall refuse or Neglect to settle, account, and pay to them all such Sum or Sums of Money they may have received in Manner as aforesaid, or if the said Vestry shall have Cause to suspect the said Commissioners do tender a False Account to put the Bond of the said Commissioners entered into for the Performance of the Trust reposed in them, in Suit; and that all Sum or Sums of Money received of the said Commissioners by Virtue of this Act, either by their accounting and paying or by Force of an Execution or Executions, shall, by the said Vestry, be applied towards easing the Tax for purchasing a Glebe, or building a Church in the said County, and no other Purposes whatsoever.

III. And be it further Enacted, by the Authority aforesaid, That if any

of the said Commissioners shall now be, or shall hereafter be chosen and appointed Vestrymen in the said Parish without having fully accounted agreeable to the Intent hereof, that then the remainder or other Vestrymen, by themselves and apart, shall and may demand an Account and Payment; and on refusal or Neglect thereof, may bring Suit or Suits against the Commissioners aforesaid, as well as those who may happen to be of the Vestry as the others who are not, and proceed to final Judgment or Judgments, and Execution or Executions; any Law, Usage, or Custom to the contrary notwithstanding.

CHAPTER XXIII.

An Act for increasing the Salaries of the Inspectors of Tobacco at the Warehouse in the Town of Halifax.
(Printed in Private Acts, *post.*)

CHAPTER XXIV.

An Act to amend and further continue and Act, intituled, An Act to establish a Public Ferry from Newby's Point to Phelp's Point, whereon the Court House now stands, on Perquiman's River.
(Printed in Private Acts, *post.*)

CHAPTER XXV.

An Act to impower and direct the Commissioners of the Districts hereafter mentioned to lay out and make a Road through Regan's Swamp, in Bladen County, to the Court House in the said County.
(Printed in Private Acts, *post.*)

CHAPTER XXVI.

An Act to impower and direct the Commissioners of the District herein mentioned to lay out and make a Road from John Howard's Ferry on Black River, through Colley's Swamp to the North West River, in Bladen County.
(Printed in Private Acts, *post.*)

CHAPTER XXVII.

An Act to encourage Joseph Howell to build a Bridge over Tar River, at or near the Place called Howell's Ferry, at Tarborough in Edgecomb County.

I. Whereas a Bridge over Tar River, at or near the Place called Howell's Ferry, would be much for the Conveniency of all Travellers, and Joseph Howell being desirous of Building one there at his own Expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years from the passing of this Act:

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That it shall and may be lawful for the said Joseph Howell, his Heirs or Assigns, to erect and build a good and substantial

Bridge over Tar River, near the Place where the main Road crosseth the said River, commonly called Howell's Ferry: And after building the said Bridge, as aforesaid it shall and may be lawful for the said Joseph Howell, his Heirs, Executors, Administrators, or Assigns, to keep a sufficient Gate thereon, and take and receive from all Persons that shall pass over the same the following Rates, that is to say: For every Man and Horse, Four Pence; For every two wheeled Carriage, drawn by one or Two Horses or Oxen, One Shilling and Four Pence; and for every Four Wheeled Carriage, Two Shillings, and for every Horse or Ox more, Four Pence each; and for every Head of neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling; and so in Proportion for a greater or less Number of Hogs or Sheep, for and during the Space of Twenty-Five Years.

III. And be it Enacted, by the Authority aforesaid, That after the said Bridge is so built and compleated as aforesaid, it shall not be lawful, during the Time the said Bridge shall be kept in Repair, and fit for Travellers and Carriages to pass and repass over the same, for any Person whatsoever to keep any Ferry, build any Bridge, or set any Person or Persons, Cariage or Carriages, Cattle, Hogs or Sheep, over the said River, for Fee or Reward, within One Mile of the same, during the Time aforesaid, under the Penalty of Two Shillings, Proclamation Money, for each and every Offence; to be recovered before any Magistrate of the County of Edgecomb, to be applied to the use of the Proprietor of the Bridge built by the said Joseph Howell; and during the said Time the Right and Property of the said Bridge is hereby invested in the said Joseph Howell, his Heirs, Executors, Administrators, or Assigns.

IV. And be it Enacted by the Authority aforesaid, That when the above mentioned Bridge shall be Built, and the said Joseph Howell shall have received Toll by Force of this Act, and thereafter shall suffer or permit the said Bridge to Fail to Decay, or go out of Repair, that then and in every such Case, shall be subject to the Indictment of the Grand Jury of the said County, or the presentment of the Attorney General, or his Deputy; and if the said Joseph Howell shall thereupon be convicted, he shall for such Offence, be fined at the Discretion of the Court: And it is hereby declared to be the Intention of this Act, that the said Joseph Howell shall build, or fully compleat and finish the said Bridge, within the space of Two Years after the passing of this Act; and when the said Bridge shall be built, the aforesaid Joseph Howell, his Heirs, Executors, Administrators, or Assigns, shall at the Expiration of the Term aforesaid, leave the same in good Order and Condition, under the Penalty of Fifty Pounds; to be recovered by the Vestry and Churchwardens of St. Mary's Parish, by Action of Debt which Sum, if recovered, shall be applied towards the Contingent Charges of the said County.

CHAPTER XXVIII.

An Act to establish a Ferry from Solley's Point to Relf's Point, whereon the Court-House now Stands, on Pasquotank River.

(Printed in Private Acts, *post.*)

Signed by

ARTHUR DOBBS, ESQ., Governor.

James Hasell, President.

JOHN ASHE, Speaker.

Read Three times, and ratified in open Assembly, the 11th Day of December, 1762.

LAWS OF NORTH CAROLINA, 1764.

At an Assembly, begun and held at Wilmington, the Thirtieth Day of January, in the Fifth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty Four; Being the First Session of this present Assembly. *Arthur Dobbs, Esq.*, Governor.

CHAPTER I.

An Act for appointing a Militia.

I. Whereas a Militia may be necessary, for the Defence of this Province;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Freemen and Servants within this Province, between the Age of Sixteen and Sixty, shall compose the Militia thereof; and that the several Captains of the same, shall enroll the Names of all such Freemen and Servants of which their several Companies consist; and shall at their respective General Musters, return a Copy thereof to the Colonel of their respective Regiments, under the Penalty of Five Pounds, Proclamation Money; to be levied by a Warrant of Distress from the Colonel of the Regiment, directed to the Sheriff of the County to which the said Regiment shall belong; which Sheriff shall be paid, out of the said Penalty, the Sum of Ten Shillings; And in Case any Sheriff shall neglect or refuse to serve such Warrant, he shall forfeit and pay the Sum of Five Pounds to be recovered by Action of Debt, in any Court of Record, and be applied as herein after directed; which Copy so returned, shall, by every Colonel, be returned to the Governor or Commander in Chief for the Time being, under the like Penalty; And that all Persons after being so enrolled, who shall at any Time (unless rendered incapable by Sickness or other Accident) neglect or refuse, when called upon, to appear at such Times and Places where ordered by the Colonel or Commanding Officer, there to be trained, Mustered, and exercised in Arms, and be provided with a well fixed Gun, shall forfeit and pay, if at a Private Muster, Two Shillings and Six Pence, if at a General Muster Five Shillings; and shall also be provided with a Cartouch-box, Sword, Cutlass or Hanger, and have at least Nine Charges of Powder (made into Cartridges) and sizeable Bullets of Swan Shot, and Three Spare Flints, a Worm and Picker; under the Penalty, if at a Private Muster, the Sum of Two Shillings and Six Pence, if at a general Muster, Five Shillings; to be levied by a Warrant of Distress from the Captain of the Company, directed to the Sergeant of the same; who is hereby empowered to execute the said Warrant, and distrain for the said Fines or Penalties, in the same Manner as Sheriffs are empowered to distrain for Public Taxes, and shall make Return thereof to the Captain; which Sergeant shall deduct One Shilling and Four Pence for every Fine so levied; And in Case such Sergeant or Sergeants shall neglect or refuse to serve any Warrant or Warrants to him or them so directed, he or they for such Neglect or Refusal, shall be fined Twenty Shillings; to be recovered by a Warrant from the Captain, directed to any

other Sergeant, under the same Penalty; to be accounted for and applied as other Fines in this Act directed.

III. Provided always, That every Absentee shall be allowed till the next succeeding Muster to make his Excuse before the Captain shall issue his Warrant, unless against such Defaulters as he may suspect are about removing themselves out of the County before such Succeeding Muster; in which Case it shall and may be lawful for the Captain to issue a Summons, to cause such suspected Person to appear before him to make his Excuse for such Absence; and upon hearing the same, or upon the Person's refusing to obey such Summons, the Captain shall then proceed as to him shall seem just, and every person that shall be fined by Virtue of this Act, and shall think himself injured by his officers, may appeal to the next Court Martial, first giving Security in the Sum of Twenty Shillings, Proclamation Money, to appear and abide by the Judgment of the said Court and if Judgment shall be against him, that he will then and there pay the Fine, with Two Shillings Cost.

IV. Provided also, That no Member of his Majesty's Council, no Member of the Assembly, no Minister of the Church of England, no Presbyterian Minister regularly called to any Congregation in this Province, no Justice of the Superior Courts, Secretary, Practising Attorney, no Man who has bore a military Commission as high as that of a Captain, or commissioned Officer who has served in the Army, no Justice of the Peace no Clerk of the Court of Justice, practicing Physician, Surgeon, School Master, having the Tuition of Ten Scholars, Ferryman, Overseer having the Care of Six Slaves, Inspectors, Public Millers, Coroners, Constables, Overseers of Public Roads, or Branch Pilots, so long as they continue in Office, shall be obliged to inlist themselves, or appear at such Musters.

V. Provided nevertheless, That in Case any such School Master or Overseer, having the Care of Six Slaves, shall be seen in the Muster Field on the Days of General or Private Musters, they shall be liable to a Fine of Forty Shillings; to be levied by a Warrant from the Colonel or Commanding Officer, and applied as other Fines in this Act directed.

VI. And be it further Enacted, by the Authority aforesaid, That if the Captain, Lieutenant, or Ensign, or any Two of them, shall adjudge any Person or Persons, enrolled as aforesaid, to be incapable of providing and Furnishing him or themselves with the Arms, Ammunition and Accoutrements, required by this Act, every such Person shall be exempt from the Fines and Forfeitures imposed by Virtue of this Act, until such Arms, Ammunition and Accoutrements, shall be provided for and delivered him by the Court Martial, to be paid for out of the Fines already collected, and that may hereafter be collected; such Court Martial first taking Security for the safe Keeping and returning such Arms, Ammunition, and Accoutrements, when required.

VII. And be it further Enacted, by the Authority aforesaid, That the Captain of every Company within this Province, shall, and they are hereby required, to choose a Clerk, Three Sergeants, Three Corporals, and a Drummer for the said Company; Which said Clerk shall give his Attendance, with his Sword by his Side, on every Muster Day, and call over the Roll of the Company, and take Notice of the Persons who are absent on each of the said Muster Days, and return upon Oath, a true List of the Absentees to his Captain; and shall also, before the Company proceed to their Exercise, read Distinctly, and with an Audible Voice, at the Head of his Company, this Act; and if the Clerk, Sergeants or Corporals, or any of them so chosen,

shall refuse to act in the Office he is appointed to, he shall forfeit and pay the Sum of Forty Shillings.

VIII. And be it further Enacted, by the Authority aforesaid, That in Case of any Insurrection within this Province, or Invasion, it shall and may be lawful for the Governor and Commander in Chief for the Time being or any Field Officer by him directed, to raise all or so many of the militia as shall be thought necessary for opposing such Insurrection or Invasion; and the Militia so raised, shall perform such Duty or Service as they shall be required to do by their Commanding Officer; and it is hereby required and directed, that the said Militia shall appear Furnished with Arms, Ammunition, and Accoutrements as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or Alarm given, to appear at such Times and Places as shall be appointed by his Captain or other Officer, shall forfeit and pay Ten Pounds Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer for that Service, directed to the Sheriff of the County where the Offender resides; and such Sheriff who is hereby required and directed to execute the same, shall, for every Neglect or Refusal, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this Province; And any Person who shall refuse to march against the Enemy when commanded, or refuse or neglect to do his Duty, or perform the Service he is put upon by such Captain or other Officer, or shall quit his Post, desert his Colors, or Mutiny; it shall and may be lawful for One Field-Officer or more, Three Captains, Three Lieutenants, and Three Ensigns, or the Majority of them, openly to hold a Court Martial, first taking the following Oath:

You shall swear, well and truly to try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King and the Prisoner to be tried. So help you God.

And on Tryal and Conviction, to punish the Offender according to Martial Law, as the Nature of the Offence may require, (Death excepted;) and for Want of such Number of Officers to compleat a Court-Martial, the Offender shall be put under a Guard until such Time as there are a sufficient Number to hold a Court-Martial as aforesaid.

X. And be it Enacted by the Authority aforesaid, That the private Men when on Duty and in the actual Service of their Country, shall be allowed Two Shillings per Day each, and Eight pence per Day to the Commanding Officer for victualling each Man.

XI. And be it further Enacted, by the Authority aforesaid, That every Captain of a Company shall, within Six Months, at such Times and Places within their several Districts, as their respective Colonels shall appoint, muster his Company, and see that every soldier in his said Company be furnished with such Arms, Ammunition and Accoutrements, as in and by this Act is directed; under the Penalty of Five Pounds for each Muster he shall neglect; to be levied by Warrant or Distress from the Colonel or Commanding Officer of the County in Manner aforesaid, and to be applied as is by this Act directed; and that each and every Company shall consist of not less than Fifty Men, exclusive of Officers.

XII. And be it further Enacted, by the Authority aforesaid, That all Officers of the Militia shall be resident in the County for which they are appointed Officers.

XIII. And be it further Enacted by the Authority aforesaid, That if any Soldier shall, during the Time of Muster, resist his Commanding Officer, or

refuse his lawful Commands, such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels, not exceeding Fifteen Minutes, piquetted, or ride the Wooden Horse; And if any Officer or Soldier shall refuse to carry such commands into Execution, he or they so offending shall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field Officer in the Regiment, and applied as other Fines mentioned in this Act.

XIV. And be it further Enacted, by the Authority aforesaid, That if any Number of Men, not less than Thirty, nor exceeding Sixty, including Officers, belonging to any of the Regiments within this Province, shall desire to form themselves into a Troop of Horse, it shall and may be lawful for such Persons, by and with the Assent of the Colonel of the Regiment, to form themselves into a Troop, and give a List of their Names to the Colonel, who shall forthwith return the same, under his Hand and Seal, to the Governor or Commander in Chief of this Province for the Time Being; and it shall and may be lawful for the said Governor or Commander in Chief, to appoint and Commissionate a Captain, Lieutenant and Cornet, to the said Troop; and when the Commanding Officers of the said Troop are ready, and shall exercise the said Troop, and not before, the Persons so enrolled in the said Troop shall be, and are exempt from their Service in the Foot Companies; and the Officers and Men of the said Troop, shall be afterwards subject to muster as many Times, as well with Regard to Private Musters as to general Musters of the County, and under the same penalties as in and by this Act before directed for the Foot to Muster.

XV. And be it further Enacted, by the Authority aforesaid, That every Trooper shall be provided with a Good serviceable Horse, not less than Fourteen Hands High, with a Good Bridle, Saddle, Holsters, Housing, Breast Plate, and Crupper; a Case of Good Pistols, a good broad Sword, Twelve Charges of Powder, Twelve sizeable Bullets, a Pair of Shoe Boots, with Suitable Spurs, and a Carbine well fixed, with a good Belt, Swivel and Bucket.

XVI. And be it further Enacted, by the Authority aforesaid, That the Colonels of each and every Regiment shall, once in every Year, cause a General Muster to be made of their respective Regiments at the Court House of their County; which if any of them shall fail or neglect to do, and fail to appear at such Musters, (Sicknes or Accident excepted) he or they so offending, shall forfeit and pay the Sum of Twenty Pounds; to be recovered by action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province; one Half thereof to such Person who shall sue for the same, and the other Half to be applied as other Fines in this Act directed.

XVII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Field Officers and Captains of every County or the Major Part of them, whereof the Colonel, Lieutenant Colonel, or Major, shall be one; and they are hereby required, to meet at the Court House of their respective Counties, on the Day next following the respective General Muster which shall be in their Counties, then and there to hold a Court-Martial; which said Court shall have full Power to enquire into the Age and abilities of all Persons Inlisted, and to exempt such as they shall judge incapable of Service; and of all Neglects and Omissions, as well by any Officers as Delinquents; and to hear and Determine all Appeals which shall be made to the Court from any Officer or Soldier who may think himself unjustly fined by his Captain; and to Order and Dispose of all Fines, in the First Place, for buying Drums, Colours, and other Necessaries for the Use

of the Company from whence the same shall arise and afterwards for supplying the Militia with Arms; and the said Court is hereby directed and required to keep a Register of all their Proceedings, and for that Purpose to appoint a Clerk, and to allow him a reasonable Salary out of the Fines.

XVIII. And be it further Enacted by the Authority aforesaid, That the Court Martial of every County, shall have full Power, from Time to Time, to call the Sheriff or any other Person or Persons whatsoever to account on Oath; who shall pay to them the Monies in the Hands of him or them belonging to their respective Regiments, that have accrued, or shall or may become due by Virtue of this or any former Militia Act; And if any Sheriff or other Person shall refuse or neglect to appear, account, and pay as aforesaid, he shall forfeit and pay the Sum of Five Hundred Pounds to be recovered with Costs, by the Colonel of the Regiment to which such Money is or may become due, by Action of Debt or Information, in any Superior Court, and to be applied to the Use of the Regiment; And when any Suit shall be brought by the Colonel, and he shall happen to die, or be superceded before such Suit shall be determined, the same shall and may be carried on by the Succeeding Colonel in the Name of his Predecessor who brought such Suit; and the Death of the Colonel, or his being Displaced, shall not be pleaded in Abatement of such Suit, nor deemed Matter of Error; any Law or Usage to the Contrary notwithstanding.

XIX. And be it further Enacted, by the Authority aforesaid, That every Colonel failing to appear at such Court, and every Lieutenant Colonel or Major failing to appear at the General Muster of such Court as aforesaid, for every such Offence, shall forfeit and pay the sum of Five Pounds Proclamation Money; and every Captain failing as aforesaid, shall forfeit and pay Three Pounds; and every Lieutenant or Ensign failing to appear at the general Muster, Forty Shillings; unless they shall make such Excuse for their Absence to the next Succeeding Court as the said Court shall judge Sufficient; And every Captain, or in his Absence the Clerk of the said Company, shall return, on Oath, an exact List of the Persons who have been fined, and whether for Absence, or want of Accoutrements; and every Captain shall then and there pay into the Court, all such Fines as he shall have received; under the Penalty of Fifty Pounds; to be levied by a Warrant from the Colonel; which said Fine shall be applied as other Fines by this directed.

XX. And be it further Enacted, by the Authority aforesaid, That each and every Captain shall procure a Copy of this Act, and lodge the same with the Clerk of his Company, and be allowed for the same out of the Fines.

XXI. And be it further Enacted, by the Authority aforesaid, That no Officer or soldier, ordered and directed by this Act to appear at Muster as aforesaid, shall be liable to be taken or arrested by any Officer in any civil Action or Process whatsoever, on the Day such Person is directed to appear, in any reasonable Time, either in going to, continuing at, or returning home, from the Place appointed to muster; but every such Arrest is hereby declared to be ipso facto void; and all Officers are hereby required to take Notice thereof; any Law, Usage or Custom to the contrary notwithstanding.

XXII. And be it further Enacted by the Authority aforesaid, That every Person liable to appear or Muster, going to, or returning from any Muster, shall be suffered to pass over any Bridge, and shall be put over any Ferry without Delay free from any Charge whatsoever; And if any Ferryman shall demand, delay, or refuse to put such Person or Persons over, he shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings; to be recovered by a Warrant from a Justice of the Peace; one Half to the Informer,

the other Half for the Use of the Parish wherein the Offence was committed.

XXIII. And be it further Enacted by the Authority aforesaid, That when it shall be thought quite requisite to swear any Person or Persons upon any Tryal before any Captain, about any Fines or Penalties in this Act directed, it shall and may be lawful for the said Captain to administer any such Oath.

XXIV. And be it further Enacted, by the Authority aforesaid, For the Encouragement for any Person or Persons who shall range and reconnoitre the Frontiers of this Province as Volunteers at his or their Own Expence; it shall and may be lawful for such Ranger or Rangers, in Case of an Indian War, or an Invasion of this Province by Indians, to kill or take Prisoner any Enemy Indian of what Nation soever; and on producing such Indian or Indians, his, her, or their Scalp or Scalps before any Two Justices of the Peace of this Province, that are most convenient to the Place where the said Indian or Indians shall be taken or Killed, and due Proof made thereof on Oath, of such Indian or Indians being taken or killed in this Province, and producing a Certificate thereof from the said Two Justices, together with the Indian or Indians' Scalps to the Assembly; such Person or Persons shall be intitled to Thirty Pounds, Proclamation Money, for each and every Captive or Scalp so taken and produced as aforesaid; to be paid out of the Public Treasury of this Province.

XXV. Provided nevertheless, That it shall not be lawful for any Party of Volunteers as aforesaid, to range or reconnoitre the Frontiers of this Province, without leave first had from the Colonel or Commanding Officer of the Regiment to which they belong, and under the Command of an Officer appointed by Warrant from such Colonel or Commanding Officer.

XXVI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during Three Years, and no longer.

CHAPTER II.

An Act concerning Vestries.

I. Whereas making Provision for the Clergy, providing for the Poor, and the due Management of Parochial Affairs, require that a Vestry be established in each Parish in this Province, under proper Regulations:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Freeholders of each Parish shall, and are hereby directed, to meet on the First Day of August next after the passing of this Act, and on Easter Monday, in the Year of our Lord One Thousand Seven Hundred and Sixty Seven, and on Easter Monday in every Third Year thereafter, at the Court House, or Place where the County Court is commonly held, or at the usual Place of electing Vestrymen, then and there to Choose and elect Twelve Freeholders to serve as Vestrymen, Which Vestrymen so chosen shall, by the Sheriff or his Deputy, be summoned, at least Ten Days before the Time appointed for such Meeting, to meet at the Church in each respective Parish; and where there is no Church, at the Court House or Place where the County Court is held, within Thirty Days next after such Choice, to be qualified according to the Directions of this Act; And if the Sheriff shall neglect or refuse to summon, or cause to be summoned, the Vestry as aforesaid, he shall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for each and every Vestryman summoned as aforesaid,

to be levied and applied as hereinafter directed; and the said Sheriff shall be paid by the Parish the Sum of Two Shillings, Proclamation Money, for each Vestryman he shall so summon.

III. And that the Election may be made in a fair and open Manner, Be it Enacted, by the Authority aforesaid, That all Elections of Vestrymen hereafter to be made, the Sheriff of the County, or his Deputy, shall attend at the Court House of the County, or Place where the County Court is held, or usual Place of electing Vestrymen, and there to take the Votes in the following Manner, that is to say, He shall open the Poll at Ten of the Clock in the Forenoon, and after Proclamation to the Freeholders to come and give their Votes for Vestrymen, shall take a List of the Names of the Voters who shall give their Suffrages, which shall be for neither more nor less than Twelve; and the Votes shall be given Openly, and the Poll kept open till Sunset; and the Sheriffs shall then cast up the Number of Votes given for each Candidate, and declare the Twelve who shall have the greatest Number of Suffrages, to be duly elected; and in Case of an Equality of Votes among any of the Candidates, the Sheriff shall have the casting Vote, and in no other Case give his Vote.

IV. And to prevent Disputes concerning who shall be understood to be a Freeholder capable of voting for Vestrymen, Be it further Enacted, by the Authority aforesaid, That every Person in Actual Possession of an Estate real, for his own Life, or the Life of some other Person, or an Estate of greater Dignity, of Fifty Acres of Land, or a Lot in some Town, saved according to Law, in the Parish of which such Election shall be made, and no other Person whatsoever, shall be deemed a Freeholder within the Meaning of this Act; And any one of the Candidates may, in Case he suspects any Person going to give his Vote hath not a Freehold within the Meaning of this Act, object to such Person giving his vote, and require the Sheriff to tender him an Oath or Affirmation, concerning his Qualification; Which Oath or Affirmation the Sheriff is hereby impowered and directed to administer, in the following Words, to-wit:

You shall swear (or affirm) that you are in actual Possession of a Freehold of Fifty Acres of Land, in your Own Right, or the Right of some other Person; or a Lot in the Town of ——— saved according to Law, in the Parish of ——— and that you have not given your Vote before in this Election. So Help You God.

V. And be it further Enacted, That no Person under the Age of Twenty One Years shall be elected a Vestryman, or give his vote for the Election of Vestrymen in any Parish.

VI. And to enforce the attendance of the Freeholders at such Elections, Be it further Enacted by the Authority aforesaid, That every Person qualified to vote for vestrymen in their respective Parishes (the People called Quakers excepted) is hereby required to attend, and give his Vote at the Election of Vestrymen, in Manner hereinbefore directed, unless prevented by some bodily Infirmary, or legal Disability, under the Penalty of Twenty Shillings, Proclamation Money; to be recovered by a Warrant from any Justice of the Peace within the County, provided that such Penalty be sued for within Ten Days after the same be incurred; And in Case any Person shall think himself injured by any Order of such Justice of the Peace, he shall and may appeal therefrom to the next Inferior Court of his County, who are hereby directed and impowered to proceed and determine upon the same in a summary Manner.

VII. And be it further Enacted by the Authority aforesaid, That if any Person shall give his Vote at such Election of Vestrymen, who hath not been

possessed, in his own Right, of a Freehold of Fifty Acres of Land, in Manner hereinbefore mentioned, or Lot, saved according to Law, in some Town in the Parish wherein he shall give his Vote, such Person shall Forfeit Five Pounds, Proclamation Money, to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Sessions; one Half to the Informer, and the other Half to the Use of the Parish wherein such Vote shall be given; and where such Action shall be brought, the Onus Probandi shall lie upon the Defendant.

VIII. And be it further Enacted, That the said Vestrymen so elected shall, at the First or Second Meeting of the Vestry next after such Election, take, before some Magistrate, and in Presence of the Vestry, the Oaths by Law appointed to be taken by Public Officers, and shall repeat and subscribe in the Vestry Book, the following Declaration, to-wit, I, A. B., will not oppose the Doctrine, Discipline, and Liturgy of the Church of England, as by Law established. And every Vestryman so elected and Qualified shall, to all Intents and Purposes, be deemed and taken to be the Vestrymen of the Respective Parishes for which they were elected, for Three Years next succeeding such Election.

IX. And be it further Enacted by the Authority aforesaid, That every Person chosen as a Vestryman in any Parish, and summoned as hereinbefore directed, refusing or neglecting to qualify agreeable to the Directions of this Act, if he be a Known Dissenter from the Church of England, shall forfeit and pay the Sum of Three Pounds Proclamation Money; to be recovered as other Fines in this Act directed.

X. And be it Enacted, by the Authority aforesaid, That every Person elected or Chosen a Vestryman according to this Act, who shall refuse or neglect to take the said Oaths, and to repeat and Subscribe the Test, and also to subscribe the Declaration as aforesaid, is hereby declared to be incapable of acting as a vestryman; and the other Persons chosen and qualified as aforesaid, shall elect and choose one or more Freeholder or Freeholders, instead of him or them so refusing or neglecting; and such Person or Persons so chosen by the Vestry shall, after being qualified in Manner aforesaid, be held to be a legal Vestryman or Vestrymen, to all Intents and Purposes.

XI. And be it further Enacted, That it shall and may be lawful for every Orthodox Minister inducted into any Parish within this Province, to vote and Act as one of the Vestry of his Parish; and he is hereby declared to have the same Power and Authority in the Vestry of the Parish for which he is a Minister, as any other Vestryman hath or ought to have.

XII. And be it further Enacted, by the Authority aforesaid, That the Vestry of each respective Parish, or a Majority of them, shall, and are hereby directed, within One Month after being Elected and qualified as aforesaid, to elect and Choose out of the said Vestry Two Persons to execute the Office of Church Wardens; and every vestry shall, and are hereby required at all Times thereafter, within Forty Days after Easter Monday, Yearly, to elect and Choose out of the Vestry Two Persons to Execute the said Office; and if the Persons elected Church Wardens as aforesaid by Virtue of this Act, or either of them, shall refuse to execute the said Office, he or they so refusing, shall forfeit and pay the sum of Forty Shillings Proclamation Money, to be recovered and applied as hereinafter directed; and in such Case the Vestry shall proceed to Choose, in the Room of him or them so refusing, another, or other Church Warden or Church Wardens, out of the said Vestrymen; Provided, That no Person whatsoever shall be obliged to serve as Church Warden in any Parish longer than One Year.

XIII. Provided also, That no Member of his Majesty's Council shall be compelled to serve in the Office of Church Warden; any Thing herein contained to the contrary notwithstanding.

XIV. And be it further Enacted, by the Authority aforesaid, That the Church Wardens of every Parish shall purchase, at the expence of the same, well bound Books, for keeping therein a Journal and Minute of all the Proceedings of the Vestry; in which shall be fairly stated, Accounts of all such Money as they, from Time to time shall receive in Virtue of their Office, and all Disbursements made on Account of the Parish; and within Ninety Days after their Wardenship shall expire, cause the Clerk to set up, in the Court House of their County, on a Court Day, Copies of such Accounts, and continue the same during the sitting of the Court, for Inspection of the Parishioners; and every Church Warden or Clerk who shall fail so to do, shall forfeit and pay the sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Sessions; one Half to the Use of the Informer, and the other Half to the Use of the Parish, wherein such failure or neglect shall happen.

XV. And be it further Enacted, by the Authority aforesaid, That the Church Wardens, or in case they refuse or neglect, any Three of the Vestry in any Parish, shall have power and Authority to call a Vestry upon any Occasion which they shall Judge Necessary, by Summons under their Hands, directed to the Constables of the several Districts of Each Parish, who are hereby directed to execute the same, under the Penalty of Ten Shillings Proclamation Money for each Vestryman in such summons named that they shall fail to summon and every Vestryman who shall refuse or neglect to attend the Vestry agreeable to such Summons shall forfeit and pay the Sum of ten shillings Proclamation Money for every such neglect, unless he shall shew sufficient Cause for so doing, to be admitted by the Vestry at their next Meeting; which Penalties shall be recovered and applied as hereinafter directed.

XVI. And be it further Enacted, by the Authority aforesaid, That the Vestries of the several Parishes shall have full Power and Authority upon the death or Removal out of their respective Parishes of any Church Warden or Church Wardens, before the Time limited for executing the said Office is expired, to elect and Choose out of the Vestry another or other Church Wardens, in the Place of the Person or Persons so Dead or removed; and every Church Warden so elected shall serve until the Time appointed by this Act for election of Church Wardens, under the Penalty of Forty Shillings, Proclamation Money.

XVII. And be it further Enacted, by the Authority aforesaid, That every Agreement and Order by the Vestry of any Parish heretofore entered into or made, or which hereafter shall be made or entered into, for making Provision for a Minister to serve the Cure of the Parish supporting the poor, or defraying the contingent Charges thereof, shall be, and is hereby declared good and available against them and their Successors.

VXIII. And be it further Enacted, and be it enacted by the Authority aforesaid, That when any Vestryman shall hereafter happen to die, or remove out of the Parish for which he was Elected, the remaining Vestrymen, or the Majority of them, shall and are hereby directed and required, to elect another Vestryman instead of him so dying or removing, who shall qualify himself as is by this Act directed.

XIX. And be it further Enacted by the Authority aforesaid, That the Vestry of every Parish in this Province, shall hereafter be held at the

Church, or Court House, or usual Place of holding the Court of the County any Usage or Custom to the contrary notwithstanding.

XX. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Vestries of each and every Parish within this Province to appoint one or more Clerk or Clerks as Readers, to perform Divine Service at such Places within their several Parishes as shall, by the respective Vestries be appointed and directed.

XXI. And be it further Enacted, by the Authority aforesaid, That the Vestry of each respective Parish shall have full Power and Authority, and are hereby directed and required, between Easter Monday and the First Day of November, yearly, to lay a Poll Tax on the Taxable Persons in their Parish, not exceeding Ten Shillings, for building Churches and Chappels, paying the Ministers' Salary, purchasing a Glebe, erecting a Mansion, and convenient Out-houses thereon, encourageing Schools, maintaining the Poor paying Clerks and Readers, and defraying other incident Charges of their Parish; And if the Vestry of any Parish shall neglect or refuse to lay a sufficient Tax to satisfy the Minister, and other Creditors of the Parish; in in such Case, the Vestry so refusing or neglecting, shall be liable to the Action of the Party Grieved, his, her, or their Executors, or Administrators, for all Damages for which he, she or they shall sustain thereby.

XXII. And be it further Enacted, That the Incumbent of each and every Parish within this Province shall, at the Time of performing Divine Service, appear in the reading Desk and Pulpit, either in a Surplus or Gown, agreeable to the Rubrick of the Church of England.

XXIII. And be it further Enacted, by the Authority aforesaid, That no Vestryman hereafter shall be capable of holding or exercising the Office of Clerk of the Vestry; but the Vestry of every respective Parish shall appoint some other Person of Skill and Probity to officiate as Clerk.

XXIV. And for the better collecting and paying the said Tax; Be it further Enacted, by the Authority aforesaid, That every Sheriff in this Government shall be, and is hereby appointed Collector of all such Taxes as shall be assessed, by the Vestry or Vestries within his County; and within Forty Days after such Assessment, shall enter into Bond, with sufficient Securities, in the sum of Five Hundred Pounds, to the Church Wardens of the Parish or Parishes within his County, that he will duly collect such Taxes, and pay the same to the Vestry for the Use of the Parish; and every Sheriff who shall fail or neglect to give such Bond and Security, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with Costs, by Action of Debt or Information, in any Court of Record, by the Church Wardens to whom such Bond and Security ought to have been given, to the Use of the Parish; And upon such Refusal or Neglect of the Sheriff, the Vestry shall, and are hereby required, to nominate and appoint some other Person to collect and receive the aforesaid Tax, who shall give Bond and Security to collect and pay the same in Manner aforesaid; And thereupon shall, and is hereby declared to have full power and Authority to collect and receive the same, under the like Rules and Regulations, as the Sheriff could or might have collected the said Taxes.

XXV. And be it further Enacted, by the Authority aforesaid, That if any Sheriff who hath undertaken the Collection of Parish Taxes as aforesaid, shall happen to be removed from his Office as Sheriff, or his Time of Service therein expire before he shall have compleated the same, his Power of collecting such Parish Taxes and making Distress for the same, shall continue as fully and amply as if he had not been removed, or his said Office of Sheriff had not expired; And where any such Sheriff or other Collector shall

happen to die before he hath finished his Collection, the Vestry shall have full Power, and are hereby directed, to appoint the succeeding Sheriff, or another Collector, to finish the same; who having given Bond and security for the Discharge of his Office, shall be, and is hereby invested with the like Power and Authority for that Purpose, as the Sheriff or other Collector so dying had or might have exercised.

XXVI. And be it further Enacted, by the authority aforesaid, That if any Sheriff, or other Parish Collector, shall neglect or refuse to account for and pay the several Parish Taxes that have been, or hereafter shall be assessed on the Taxable Persons of the Parish whereof he is Collector, and wherewith he shall be chargeable, according to the Directions of this Act, after deducting the Commissions allowed him, and the several Sums chargeable to Persons who have no visible Estate in such Parish; it shall and may be lawful for the Superior Court of the District wherein such Sheriff or Collector shall live, either before, or at any Time after the Expiration of his said Office, on Motion of the Church Wardens to give Judgment against such Sheriff or Collector for all the Money wherewith he shall or may be chargeable to such Parish with Costs; and thereupon to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff or Collector, Provided, That he have Ten Days' previous Notice of such Motion.

XXVII. And be it further Enacted, by the Authority aforesaid, That all such Taxes shall be collected and accounted for by the Sheriff or other Collector, on or before the Tenth Day of June in every Year; and the Sheriff or Collector shall be allowed Six per cent. for his Trouble for Collecting and paying the same; and is hereby declared to have full power and Authority, at any Time after the Tenth Day of March in every Year, upon Neglect or refusal of Payment of the said Tax or any Part thereof, by any Person chargeable therewith, to distrain the Goods and Chattels of the Persons so refusing or neglecting; And if the Owner thereof shall not pay what is Due within Five Days after such Distress is made, such Sheriff or Collector shall and may sell, by Auction the Goods so distrained, or so much thereof as shall be sufficient to satisfy the said Tax; and the Sum of Two Shillings and Eight Pence, Proclamation Money, for making such Distress, and Charges on the sale thereof, returning the overplus to the Owner (if any); but shall give Notice of the sale, by setting up an Advertisement in Writing, at the Court House of the County, the Church Door in the Parish, or at the most Public Place of Worship where there is no Church; and by publishing the same among the People immediately after Divine Service, on the next Sunday after the Expiration of the said Five Days; which Sale shall not be in less than Three Days, nor more than Ten Days after Notice so given; and shall be good and effectual in Law against all Persons whatsoever.

XXVIII. Provided always, That no Sheriff or other Officer shall, at any Time, make or take unreasonable Distress, or seize the Slave or Slaves of any Person for Parish Taxes, if other sufficient Distress shall be shewn to such Sheriff or Collector by the Person on whom such Distress is made; upon Penalty of being Liable to the Action of the Party Grieved, wherein he shall recover full Costs, altho the Damages recovered shall be under Forty Shillings.

XXIX. And be it further Enacted, by the Authority aforesaid, That the Vestry of every Parish shall have full Power, from Time to Time, to call any Justice of the Peace or other Person or Persons whatsoever, to account, on Oath, and pay to them the Monies in the Hands of him or them belonging to their Parish, or accruing, or becoming due to the same by Virtue of the

Laws of this Province; And if any Justice, or other Person, shall refuse or neglect to appear and account as aforesaid, he shall forfeit and pay the sum of Twenty Pounds, Proclamation Money; to be recovered with Costs, by Action of Debt or Information, in any Court of Record, and be applied to the Use of the Parish; and where any Suit shall be undetermined, the same shall or may be carried on by the succeeding Church Warden, in the Name of their Predecessors who brought such Suit; and the Death or Expiration of Office of the Church Warden or Church Wardens shall not be pleaded in abatement of such Suit, nor deemed Matter of Error; any Law or Usage to the contrary notwithstanding.

XXX. And be it further Enacted by the Authority aforesaid, That the several Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or application is hereinbefore directed, shall and may be recovered, with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Informer, and the other Half to the Use of the Parish wherein such Penalty shall be incurred.

XXXI. And be it further Enacted by the Authority aforesaid, That if it shall so happen from badness of Weather, or any other unavoidable Hindrance, that an Election of Vestrymen for any Parish shall not be held upon any of the Days by this Act appointed for that Purpose, that in such Case the Sheriff shall appoint a Time, not less than Ten, nor Exceeding Twenty Days thereafter, for electing Vestrymen in every such Parish, and shall summons the Freeholders thereof to attend and elect Vestrymen in the Manner by this Act directed; and every such Election shall be as good and Valid as if made upon the particular Days herein appointed for that purpose; any Thing herein contained, to the contrary, notwithstanding.

XXXII. And be it further Enacted by the Authority aforesaid, That the Sheriff of every County within this Province, at the Court preceding every Election of Vestrymen, shall publicly read this Act at the Door of the Court House, on the Second Day of the Court, between the Hours of Twelve and One of the Clock; and also give Notice of such Election, by setting up an Advertisement in Writing at each Church and Chappel in the Parish, on some Sunday, at least Forty Days before the same; And every Sheriff failing so to do, shall forfeit and pay Ten Pounds, Proclamation Money; to be recovered with Costs, in any Inferior Court of Pleas and Quarter Sessions, by Action of Debt; one Half to the Use of the Parish wherein such Failure shall happen, and the other Half to him or them who shall sue for the same.

XXXIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force, from and after the passing thereof, for and during the Term of Five Years.

CHAPTER III.

An Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and establish and settle Ferries; and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province; and to clear navigable Rivers and Creeks.

I. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Roads and Ferries, in the several Counties of this Province, that have been laid out or appointed by Virtue of any Act of Assembly heretofore made, or by Virtue of any Order of Court, are hereby

declared to be Public Roads and Ferries; and that from Time to Time, and at all Times hereafter, the Inferior Court of the several Counties in this Province, shall have full power and Authority to appoint and settle Ferries; and to order the laying out Public Roads, where necessary; and to appoint where Bridges shall be made, for the Use and Ease of the Inhabitants of each County; and to discontinue such Roads as are now, or shall hereafter be made, as shall be found useless; and to alter Roads, so as to make them more useful, as often as Occasion shall require.

II. And be it further Enacted, by the Authority aforesaid, That each Inferior Court within this Province is hereby authorized and impowered to call any Person or Persons in their respective Counties to Account, for any Monies such Person or Persons may have in his or their Hands, by Virtue of any Distress heretofore made for Default of Working on any Road in such County; and all such Monies to receive and apply towards keeping in Repair the Roads and Bridges on which such Default was made.

III. And be it further Enacted, That all Roads hereafter to be laid out shall be laid out by a Jury of Twelve Men, appointed by the said Inferior Courts respectively; Which Jury, being Freeholders, shall take an Oath to lay out the same to the Greatest Ease and Conveniency of the Inhabitants, and as little as may be to the Prejudice of any Private Person or Persons inclosed Ground; and the Damages which shall be sustained by any Private Person in laying out such Road, shall be ascertained by the same Jury, on Oath, who laid out such Road, to be equally assessed by the Inferior Court of Such County, and levied and Collected by the Overseer of such Road on the taxable Persons which ought to work on the same, and by him paid to the Party Injured.

IV. And be it further Enacted, That if any Person or Persons after the passing this Act, not impowered to keep Ferry, shall pretend to keep any Ferry, or to transport any Person or Persons, or their Effects for pay, within Ten Miles of any Ferry (being on the same River or Water) which is already, or hereafter shall be appointed, such Person or Persons so pretending to Keep Ferry or transporting any Person or their Effects, shall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every such Offence, to the nearest Ferryman; to be recovered by a Warrant from any Justice of the Peace, upon full Proof thereof made before him.

V. And be it further Enacted, That all such Persons who shall hereafter undertake to keep any Public Ferry by Appointment, and do not provide good and Sufficient Boats, or other proper Craft, and keep the same in good and sufficient Repair, and well and sufficiently attended for the Passage of all Travellers, and their Effects, shall forfeit and pay Ten Pounds Proclamation Money, for every Neglect; one Half to the Informer, and the other Half towards lessening the County Tax; to be recovered in the Inferior Court of the County where the Offence shall be committed.

VI. And be it further Enacted, That all Public Roads already laid, or now in Use, or which hereafter shall be laid out, shall be cleared of Sand, from all Trees, Stumps and Brush, at least Twenty Feet Wide; and such Limbs of Trees as may incommode Horsemen and Carriages, shall be cut away; all Bridges or causeways made, or to be made over Swamps, Lowlands or small Runs of Water, the pieces wherewith the same shall be made shall be laid across the Road, and be at least Fourteen Feet long, well secured, made fast, and covered with Earth; and all Bridges over Deep or navigable Streams shall be made at least Twelve Feet wide, with good sawed Plank, clear of sap, at least Two inches thick, with firm and strong Posts, Rails and Bearers, well secured and fastened; and for that Purpose,

the Overseer of the Road to which any of the aforesaid Bridges shall belong, shall and may lawfully cut and take from off the lands of any Person next adjacent to such Bridge, such, and, so much Timber only, as shall be necessary for that Use.

VII. And be it further Enacted, That where a Bridge shall be necessary over any Place, where the Overseer, with his Assistants, cannot conveniently make it, the Inferior Court of that County wherein such Place shall be, is hereby impowered and required to contract and agree for the building, keeping and repairing thereof; and to levy the charge in their County levy; and when bridges shall be necessary over any such creek or River, which divides one County from another, the Inferior Court of each County, shall join the agreement for building, keeping and repairing the same; and the Charge thereof shall be defrayed by both Counties, in Proportion to the Number of Taxables in each.

VIII. And be it further Enacted by the Authority aforesaid, That all and every Contract, Agreement and Order, by the Justices of the Inferior Court of any of the Counties aforesaid, entered into or made, for or concerning the Building, keeping or repairing Bridges, in such Manner as to them shall seem most proper, shall be good and available against them, and their Successors.

IX. And be it further Enacted, That the Inferior Court of the said Counties shall annually appoint Overseers of the Highways or Roads, who are by this Act obliged to summon all Male Taxables, from the Age of Sixteen to Sixty (except such Persons as are or shall be exempted from Public Services by the Assembly) within their District, to meet at such Places and Times as to them shall seem Convenient, for the Repairing or making such Roads as shall be necessary; and except such as are or have been heretofore by Law excused from appearing at Musters; and such as tend Three Slaves, or other Three sufficient Hands, to work on the Public Roads; And whosoever shall upon such Summons, refuse or neglect to do and perform their Duty therein, shall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, per Day, for each Person neglecting or refusing; to be recovered by a Warrant from a Magistrate of the County, and paid by the Sheriff or Constable to the Overseer, and by him to be expended in hiring other Hands to work on the said Roads.

X. Provided nevertheless, That nothing herein contained shall be construed to exempt Overseers of Slaves from working on Roads.

XI. Provided also, That the several Persons summoned by the Overseers to work on the Roads as aforesaid, shall not be liable to any Time for not appearing and doing their Duty, unless they shall be summoned Six Days before the Day appointed for working.

XII. And be it further Enacted, That all overseers of Roads which shall refuse or neglect to do their duty, as is by this Act directed, or who shall not keep the Roads or Bridges clear and in Repair, or let them remain uncleared or out of Repair for and during the Space of Ten Days, unless hindered by extreme bad Weather, such overseer shall forfeit, for each and every such Offence, the Sum of Twenty Five Shillings over and above such Damages as may be sustained; to be recovered by a Warrant from a Magistrate, by any Person taking out the same, and to be applied to his Own Use.

XIII. And be it further Enacted, That from and after the passing of this Act, the Inferior Courts of each and every County in this Province shall have full power and Authority, and they are hereby directed and required,

to compel all Persons that now do, or hereafter shall be appointed to keep a Public Ferry, or who shall own a Bridge receiving Toll within the said County, to give good and sufficient Security, in the Sum of One Hundred Pounds Proclamation Money, payable to the Chairman of the said Court, and his Successors; with Condition that he or they shall and will constantly find, provide, and keep good and sufficient Boats, or other Proper Crafts, and keep such Bridges in good Repair, as the Case may be, and always to be well attended for Travellers or other Persons, their Horses, Carriages and Effects, over any River or Creek. And if any Person shall receive Damages by any Ferryman, or keeper of a Toll Bridge, not having complied with the Condition of his Bond, the Person who has so received Damage shall and may bring an Action of Debt, against such Ferryman or Bridge Keeper on such Bond, in the Name of the Chairman, and recover, for the Non-performance of the said Condition, so much Damages as he, she, or they, shall appear to have sustained, and thereupon take out Execution for whatever shall be so recovered, and apply the same to his, her or their own Use; and it shall and may be lawful for any Person detained at any Public Ferry, by Means of the Ferryman's not having sufficient Boats, or other Proper Crafts and Hands, or by his neglecting to do his Duty, by a Warrant from a Justice of the Peace, to recover of such Ferryman Twenty Five Shillings, Proclamation Money, for such Default or Neglect.

XIV. And be it further Enacted, That upon application made to any of the Inferior Courts in this Province for clearing navigable Rivers and Creeks in their respective Counties, it shall and may be lawful for the said Courts and they are hereby directed and required, to appoint such Overseers of the Roads as live most convenient to such Rivers and Creeks, with their Companies, to do and perform the same, as soon as may be, after being so directed; And upon neglect or Refusal of such Overseer, or Company, or any of them, to do and perform such work or Service, upon due Proof thereof, he or they so refusing or neglecting, shall be liable to the same Fines and Forfeitures, as for Neglect or Refusal of their Service on the Roads; which shall be recovered and applied in the same manner.

XV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Order or Sentence of the Justice, or Verdict of any Jury appointed to lay out any Road or Roads, it shall and may be lawful for such Person or Persons to appeal from the Order or Sentence of such Justice, or Verdict of such Jury, in any County, to the Next Inferior Court to be held for the said County, who are hereby impowered to hear and determine such Appeals in a summary Way.

XVI. And be it Enacted, by the Authority aforesaid, That all overseers of Roads shall cause to be set up, at the parting of all Roads within their several Districts, a Post or Posts, with Arms pointing the Way of each and every Road, with Directions to the most Public Places to which they lead with the Number of Miles from that Place, as near as can be computed; And every Overseer who shall refuse or neglect to do so, and keep the same in Repair, shall forfeit and pay, for every such Neglect, the Sum of Forty Shillings; to be recovered before any Justice of the Peace, and applied as other Fines in this Act directed.

XVII. And be it further Enacted, by the Authority aforesaid, That the several Overseers of the Roads, within Nine Months next after the passing of this Act, shall cause the Public Roads within their Districts respectively to be exactly Measured, where the same has not already been done; and

shall at the End of each Mile, mark, in a Legible and durable Manner, the Number of such Miles, beginning, continueing, and making the Numbers in such Manner and Form, as the Inferior Courts of the Counties shall severally and respectively direct; and every Overseer shall keep up and repair such Marks and Numbers within his District, And every Overseer refusing or neglecting to mile mark, or to repair the Mile Marks within his District, according to the Intent and Meaning of this Act, for the Space of Thirty Days after Notice of their being unmarked or out of Repair, shall forfeit and pay the sum of Twenty Shillings; to be recovered by a Warrant before any Justice of the Peace.

XVIII. And be it further Enacted, by the Authority aforesaid, That an Act, intituled an Act for empowering the several Commissioners hereinafter Named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts hereinafter appointed, in such Manner as they shall judge most useful to the Public, passed at New Bern the Twentieth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Five; another Act intituled, An Act for establishing Public Roads and Ferries, and for the better Regulation of the same in several Counties, passed at New Bern the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Six; and one other Act intituled, An Act for altering the Method of working on the Roads, and appointing Public Ferries, within the Counties of Duplin, Cumberland, Rowan, and Anson, passed at New Bern the Eleventh Day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty Two; and every Clause and Clauses, Article and Articles of them, and of each and every other Act and Acts, Clause or Clauses thereof, heretofore made, within the Purview of this Act, shall be, and are hereby severally from henceforth repealed.

CHAPTER IV.

An Act to suppress excessive and deceitful Gaming.

I. Whereas excessive and deceitful Gaming hath been found Injurious to the Inhabitants of this Province, and tend greatly to the Discouragement of Industry, Corruption of Youth, and Destruction of Families; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That from and after the passing of this Act, any Tavern-keeper who shall permit or suffer any Gaming within his House, Stall, Booth Harbour, or other Place, (Back gammon only excepted) shall, for such Offence, upon Conviction thereof, before the Court of the County wherein the same shall be committed, forfeit his License, and be further Liable to Indictment, and Fine, at the Discretion of the said Court; And any Person or Persons who shall hereafter win at any Game or Games, or by betting or Wagering, in any Manner whatsoever, (Horse racing only excepted) more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, shall, upon Conviction of the Same before any Court or Magistrate, having Cognizance thereof, forfeit all such Monies, Goods, Commodities, or other Article or Articles, or the full Value thereof; one half to the Informer, and the other Half to be applied to the Use of the Parish whereïn such Offence shall be committed.

III. Provided nevertheless, That if it shall appear that such Informer was either Winner or Loser, or in anywise a Party in any such Game or Games, the Whole shall be forfeited to the Use of the Parish.

IV. And be it further Enacted by the Authority aforesaid, That upon any Information made before any Court of Record, or any Justice or Justices of the Peace within this Province, or in View of any Justice or Justices, it shall appear, that any Person or Persons have won at any Game or Games, by betting or wagering in any Manner whatsoever, except as hereinbefore excepted, more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, it shall be lawful for any such Court or Justice, having Cognizance thereof, and they are hereby impowered and required, to cause such Person or Persons to be brought before such Court or Magistrate before whom Information shall be made, to be examined on Oath concerning the said Offence; which Oath or Oaths the said Court or Justice is hereby impowered to administer; as also, to examine any Witness or Witnesses concerning the same; And if it shall appear that such Person or Persons shall have Won at any Kind of Game or Games, or by betting or Wagering, in any Manner whatsoever, except as hereinbefore excepted, more than Five Shillings in Twenty-Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, to award Execution against the Body, or Goods, Chattels, Lands, and Tenements, of such Person or Persons so convicted, for all such Sum or Sums of Money, Goods, Commodities, or other Article or Articles, which he shall have Won, over and above the Value of Five Shillings in Twenty-Four Hours.

V. And be it further Enacted, That all Deeds, Mortgages, Bills, Bonds, Notes, Assumptions, Specialty or Specialties, Instrument or Instruments of Writing, which shall hereafter be given for the Payment, Security or Discharge of any Sum or Sums of Money, Goods, Commodities, or other Article or Articles, Thing or Things whatsoever, lost at any Game or Games, or by betting or Wagering, except as hereinbefore excepted, upon due proof thereof, shall be deemed null and void.

VI. And whereas there are many idle, disorderly, and evil disposed Persons, not Inhabitants of this Province, who are frequently found Loitering, gaming, and misbehaving themselves within the same; Be it therefore Enacted, by the Authority aforesaid That it shall and may be Lawful for any Justice of the Peace, and he is hereby directed and required, either on Information, Notice given him, or on his own View, to issue his Warrant, and cause such Persons or Person, to be apprehended; and on Conviction, to commit such Offender or Offenders to Gaol, until he or they so convicted find sufficient Security, in the sum of Twenty Pounds, for his or their good behavior during the Term of Twelve Months: And if any such Offender or Offenders shall be accused or convicted a second Time or, oftener, of loitering, gaming, and misbehaving themselves as aforesaid, he or they so offending, shall forfeit and pay, for each and every such Offence, the Sum of Fifty Pounds; one half thereof to the Use of him or them who shall sue for the same, and the other half to the Use of the Church Wardens for the Use of the Parish where such Offence shall be committed; to be recovered by Action of Debt, Bill, Plaint or Information; in any Court of Record within this Province, having Cognizance thereof; wherein there shall be no Essoign, Injunction, Protection, or Wager of Law, allowed or admitted of.

VII. Provided always, That any Person or Persons aggrieved by the Judgment of any Inferior Court, may, and are hereby intitled to an Appeal to the Superior Court of the District to which such Inferior Court shall be-

long; And any Person aggrieved by the Judgment of any Justice of the Peace, upon Conviction for any of the Offences in this Act cognizable before him may appeal to the next Court to be held for the County wherein such Person shall be convicted; but shall give Notice in Writing of such Appeal to the Appellant; and shall also enter into Recognizance, with Two sufficient Securities, before any Justice of the County wherein the Judgment was given, on Condition to try such Appeal at the next Ensueing Court held for the same County, which shall be by the said Court then heard and finally determined.

VIII. Provided also, That no such judgment obtained before any Justice of the Peace, shall be set aside for want of Form, wherein it shall appear to the Court, that the Fact was sufficiently proved at the Tryal; nor shall any such Judgment be removed by any Appeal, Writ or Process whatever, into any Superior Court.

IX. And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Two Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER V.

An Act for encouraging the Culture of Hemp and Flax, and other Purposes.

I. Whereas by Experience Hemp and Flax have been found to grow extremely well in this Province, and being valuable Articles of Commerce for Exportation; in Order to encourage the Culture thereof,

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That every Person who shall cultivate Hemp or Flax in this Province, and who shall produce a Certificate, upon Oath, of his having so done, and signed by him or her, and attested by any lawful Magistrate in the County where the same was cultivated; and who shall tender the Hemp or Flax that hath been by him or her cultivated to any Inspector to be appointed by Virtue of an Act, intituled, An Act to regulate the Inspection of the several Commodities therein mentioned; who on viewing the same, shall find it to have been water rotted, bright, clean, merchantable, and fit for Exportation, shall give a Certificate to the Person, mentioning the Person's Name tendering the same, the Time tendered, the Weight and Quality of the Hemp or Flax, and of his having examined, and found the Hemp or Flax mentioned in his Certificate, to have been water-rotted, bright, clean, merchantable, and fit for Exportation; on producing of which Certificate by the Cultivator of the Hemp or Flax, or his, her, or their Assigns, together with an Indorsement thereon, under the Hands of the Collector and Naval Officer of the Port from whence it may be shipped, certifying, that the Hemp or Flax therein mentioned, had been duly exported, the Time when, and the Vessel's Name in which it was so shipped, to the Provincial Treasurer for the District where the Hemp or Flax hath been inspected, shall be paid to the Cultivator of Hemp or Flax as aforesaid, or their Assigns, the Bounty or Premium hereafter mentioned, in the following Proportion, allowing One Hundred and Twelve Pounds to the Hundred Weight, viz.: For every Hundred Weight of Hemp, Sixteen Shillings and Eight Pence; For every Hundred Weight of Flax, Thirteen Shillings and Four Pence; and so in Proportion for a greater or less Quantity; Which Premium or Bounty shall be paid by the Treasurer as before mentioned, out of the Monies in

his Hands, or may be in his Hands for Contingencies, and which shall be allowed him in his Accounts.

III. And be it further Enacted, by the Authority aforesaid, That the Inspector may take and receive, at the Rate of One Shilling, Proclamation Money, for every Hundred and Twelve Pounds of Hemp or Flax by him inspected and found merchantable, and so in proportion for a greater or less Quantity, and for which he shall grant a Certificate as before mentioned.

IV. And be it further Enacted, by the Authority aforesaid, That no raw or untanned Hides, Pieces of Hides, or Calf Skins, shall, from and after the First Day of May next, be exported out of this Province to any Port (Great Britain only excepted) by any Person whatsoever, unless a Duty of One Penny per Pound be paid for the same to the Collector of the respective Ports where the same shall be shipped for Exportation; and the several Collectors within this Province are hereby directed not to clear out any Ship or vessel, having raw and untanned Hides, Pieces of Hides, or Calf Skins, without receiving the said Duty of One Penny per Pound; and the said Collectors are hereby Authorized and directed to administer the following Oath to the Master or Commander of any Ship or Vessel, viz.

I, A. B., do swear, that I have not on Board my ship or Vessel, any raw or untanned Hides, Pieces of Hides, or Calf Skins, except what is mentioned in my present Clearance; and that I will not carry out any during the Continuance of this present Voyage. And in Case any Person shall presume to ship any raw or untanned Hides, Pieces of Hides or Calf Skins, without paying the said Duty, the said Raw and untanned Hides, pieces of Hides, or Calf Skins, shall be forfeited, and applied towards paying the Bounty on Hemp and Flax; and the said Duty of one Penny per Pound shall be likewise applied to the said Use and Purposes; and paid by the several Collectors to the Public Treasurers of this Province, towards reimbursing the said Treasurers for the Bounties paid by them on Hemp and Flax.

V. And be it further Enacted, by the Authority aforesaid, That if any Collector shall presume to clear out any Ship or Vessel contrary to the true Intent and Meaning of this Act, he shall forfeit and pay the Sum of Fifty Pounds; one half to the Person who shall sue for the same, and the other Half to the Treasurer of the District where the Offence shall be committed; to be recovered by Action of Debt, in any Court of Record, having Cognizance of the same, and applied towards the Bounty on Hemp and Flax.

VI. And be it Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for the Space of Five Years, and from thence to the End of the next Session of Assembly.

CHAPTER VI.

An Act to amend an Act, intituled, An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and Mesne-Conveyances proved and registered within the Time heretofore appointed for such Purposes; and to prevent Disputes and Law Suits, concerning Lands.

I. Whereas by an Act passed at New Bern, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, intituled, An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and Mesne-Conveyances registered and proved within the Time here-

tofore appointed for such Purposes; and to prevent Disputes and Law Suits concerning Lands; all Deeds or Mesne-Conveyances for any Lands, Tenements, or Hereditaments within this Province, were to be acknowledged or proved according to the Directions of this Act, and delivered to the Registers of the Counties wherein they are respectively situated, within the Space of Two Years from the respective Dates thereof; and many Persons, through Ignorance of the Purport of the said Law, having neglected to have their Deeds or Mesne-Conveyances proved and registered according to the Directions of the said Act; For Remedy thereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and Mesne-conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged, or proved, shall and may, within Eighteen Months after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated; And all Deeds and Mesne-Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act; and also, such as have been heretofore recorded by the Clerk, or registered by the Register of any Precinct or County, wherein the Lands or Tenements mentioned in the same, lie, or are situate, though not within Two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall endure and take Effect, as fully and Effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered agreeable to the Directions of any Act of Assembly heretofore made.

III. And in order to render his Majesty's Subjects in this Province secure in the peaceable and quiet Enjoyment of their several Estates, Rights, and Properties, and to prevent all Doubts, Controversies and Disputes, which may hereafter arise concerning the Titles to any Lands, Tenements, Hereditaments, which are held or claimed by, from, or under any Foreign Protestant heretofore inhabiting within this Province, by Purchase, Discent, or otherwise; Be it further Enacted by the Authority aforesaid, That all Foreign Protestants heretofore inhabiting within this Province, and dying seized of any Lands, Tenements, or Hereditaments, shall, for ever hereafter, be deemed, taken, and esteemed to have been naturalized, and intituled to all the Rights, Privileges, and Advantages of natural Born Subjects; and all Gifts, Grants, Devises, and Mesne-Conveyances, in the Law, heretofore made or done by any of them or by any such foreign Protestants, heretofore Inhabiting and being seized of Lands, Tenements, and Hereditaments in this Province, of any such Land, Tenement or Hereditament, shall be deemed and taken to be as valid and Effectual, to all Intents and Purposes whatsoever, as if they had been made, done, or executed, by any of his Majesty's natural born Subjects of this Province; And the Heirs, Grantees, Legatees, and Feeoffers of any such Foreign Protestant holding, claiming and enjoying any lands, tenements or hereditaments by, from or under any such foreign Protestant shall have, hold, occupy, possess, and enjoy, and be intituled to the same, as fully and rightfully, as if the said Lands, Tenements, or Hereditaments, had descended from, or been granted or conveyed by any of his Majesty's natural born Subjects of this Province; Any Law, Custom or Usage to the Contrary hereof, in any wise, notwithstanding.

IV. Provided always, That nothing in this Act contained shall be deemed or construed to extend to any Gift, Grant, Devise, or other Mesne-Convey-

ance, hereafter to be made or executed by any Foreign Protestant, now residing, or hereafter to reside within this Province.

CHAPTER VII.

An Act for the more Effectual Suppressing of Felonies, and Punishment of Counterfeiters of the Paper Currency of this Province, and of Virginia.

I. Whereas great Numbers of evil Disposed Persons in the Frontier Parts of this Province, have associated themselves, and support each other, in committing the Heinous Crimes of Murder, and other Felonies; and in Counterfeiting the Paper Currency of this Province, and Virginia; and in fraudulently and deceitfully imposing the same on the Honest industrious Inhabitants of this Colony, in Defiance of Authority, and in open violation and Contempt of all Laws; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, if any Person or Persons, against whom any Bill of Indictment is found, or Presentment made, for any Crime, which if such Person is convicted of, Judgment of Death may be passed against him; or for Counterfeiting, or passing Counterfeit Money of this Province, or Virginia, or base Coin, knowing the same to be Counterfeit or base; or shall make his or their Escape, after being apprehended or committed to prison for any of the Crimes or Offences above-mentioned, and such Person shall neglect or refuse to surrender him or themselves to the Sheriff of the County wherein the Superior Court in which such Person is so charged as aforesaid, is held, on or before the last Day of the Superior Court of that District which shall next follow the Court wherein such Bill of Indictment hath been found, or Presentment made; that in every such case the Chief Justice, or the Assistant, or Associate Judge, for the District in the Superior Court of which such Offender hath been charged as aforesaid is hereby directed and empowered to seal and subscribe as many Proclamations as there are Counties in such District requiring and commanding such Offender to surrender himself within Sixty Days next after the last Day of the Superior Court in which such Proclamation shall be dated; and giving Notice to such Offender, that unless he do not surrender himself accordingly, it will be lawful for any Person or Persons to kill and destroy such Offender.

III. And be it further Enacted by the Authority aforesaid, That if any such Offender so charged, or who hath escaped as aforesaid, shall refuse or neglect to surrender himself within the Sixty Days limited in such Proclamation, it shall and may be lawful for any Person or Persons whatsoever, to kill and destroy such Offender or Offenders; And in Case any Person shall be prosecuted for killing or Destroying any such Offender or Offenders such Person may plead the General Issue, and give this Act in Evidence.

IV. And be it Enacted, by the Authority aforesaid, That the Clerk for the Time being, of each and every Superior Court within this Province, is hereby required and directed, to set up the said Proclamation, sealed and subscribed as aforesaid, at the Court House, and each of the Churches and Chapels in each County within the District of such Superior Court, within Ten Days next after the Date of such Proclamation.

V. And be it further Enacted by the Authority aforesaid, That if any Offender or Offenders, who hath neglected or refused to surrender him or

themselves at the Time hereinbefore limited, or who hath escaped or broke Gaol as aforesaid, shall, at any Time afterwards be apprehended, or surrender himself as aforesaid, and shall stand Tryal, and abide by the Award and Determination of the Superior Court wherein such Offender hath been charged that then and in such Case, it shall not be lawful for any Person or Persons to kill or destroy such Offenders; any Thing herein contained to the contrary notwithstanding.

VI. And be it further Enacted by the Authority aforesaid, That if any Person shall apprehend any Offender or Offenders who hath escaped or neglected to surrender himself after the Time limited in the Proclamation, such Person shall be allowed the sum of Thirty Pounds, Proclamation Money, on conviction of such Offender; And the Public Treasurers, or either of them, is hereby required to pay the same, on such Person's producing a Certificate, signed by the Chief Justice, or the Assistant or the Associate Judge of the Court wherein such Person hath been so convicted; and the Treasurer paying such Sum, shall be allowed the same in settling his Accounts with the Public.

VII. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Two Years, from and after the passing thereof.

CHAPTER VIII.

An Act to continue an Act, intituled, An Act to make Provision for paying the Chief Justice and Attorney-General's Salaries, and defraying the Contingent Charges of Government; passed in the Year of our Lord One Thousand Seven Hundred and Fifty Eight.

I. Whereas an Act, intituled, An Act to make Provision for paying the Chief Justice and Attorney General's Salaries, and defraying the Contingent Charges of Government, being made temporary, will soon expire; and it being necessary the same should be continued,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said recited Act shall continue and be in Force for and during the Term of Two Years, from and after the Expiration of the said recited Act, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IX.

An Act for destroying Vermin in this Province.

I. Whereas this Province is very much infested with Wolves, and other Vermin to the great Prejudice of the Inhabitants; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Person who shall kill any of the Vermin hereinafter mentioned, within Ten Miles of a settled Plantation in this Province, shall be intitled to a Claim upon the County where such Vermin shall be killed, to the several Rewards as follows; For every Wolf, Ten Shillings, For every Panther, Ten Shillings, For every Wild-Cat, Two Shillings and Eight Pence; to be paid as hereafter directed.

III. And be it further Enacted, by the Authority aforesaid, That any Person who shall have a Claim for killing any of the aforesaid Vermin, are hereby directed to produce the Head or Scalp of the aforesaid Vermin, with

both Ears, before a Magistrate, who is to administer an Oath to such Person claiming the same, that it was taken and killed within the Bounds of such County where the Claim shall be made; And if it be a Slave or Indian that shall kill any such Vermin, of which the Head or Scalp shall be produced as aforesaid the Master or Owner of such Slave or Indian, or he that makes claim for such Scalp or Scalps in Behalf of any Slave or Indian, shall make Oath before such Magistrate, that he verily believes the same was taken and Killed within the County wherein the same is claimed; which Oath being administered the Magistrate is hereby directed to give a Certificate for the same; and the Magistrate shall immediately cause such Head or Scalp to be destroyed.

IV. And be it further Enacted, by the Authority aforesaid, That any Person having a Certificate from any such Magistrate, shall, upon producing the same to the Court of the County where such Certificate was obtained, be intitled to the Sum or Sums due upon such Certificate or Certificates; which several Sums so paid shall be allowed by the Court, out of the County Tax.

V. And be it further Enacted, by the Authority aforesaid, That the Justices of the several Inferior Courts of Pleas and Quarter Sessions within this Province, are hereby required, authorized, and impowered, to lay a Tax on the several Taxable Persons within the respective Counties, for discharging the said Claims.

VI. And be it further Enacted by the Authority aforesaid, That this Act shall Continue and be in Force for and during the Term of Two Years, and from thence to the End of the next Session of Assembly, and no longer.

VII. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, Clause and Clauses thereof, within the Purview of this Act, is and are hereby from henceforth repealed and made void.

CHAPTER X.

An Act for appointing Public Treasurers.

I. Whereas, it is highly expedient that Public Treasurers be appointed for the Southern and Northern Districts of this Province, who may be authorized and impowered to receive the Public Taxes which now are, or hereafter may become due from the Sheriffs of the respective Counties within the said Districts respectively.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That John Starkey, Esq., be, and is hereby appointed Public Treasurer for the Counties of Anson, Beaufort, Bladen, Brunswick, Craven, Carteret, Cumberland, Duplin, Dobbs, Hyde, Johnston, Mecklenburg, New Hanover, Onslow, Pitt, and Rowan; and that Joseph Montfort, Esq., be, and is hereby appointed Public Treasurer for the Counties of Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrell, Northampton, Edgecomb, Granville, Orange, Hertford, Bute, and Halifax; Which Said Treasurers shall, before they enter upon their said Offices, give Bond respectively, with sufficient Securities, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Ten Thousand Pounds lawful Money of Great Britain, each, with Condition, that they, and each of them, will well and truly account for and pay to the General Assembly of this Province, when he and they shall be thereunto required, all Public Monies he or they shall, at any Time hereafter, receive on Account of Public Taxes, and for the faithful and regular Discharge of their said Offices, Which Bonds

shall be lodged in the Secretary's Office, and in Case of the Breach of the Condition thereof, may be recovered in any Superior Court of Justice within this Province.

III. And be it further Enacted, by the Authority aforesaid, That the said Treasurers and each of Them, is and are hereby impowered and directed, to receive all Public Taxes, and the Sheriff of each of the said respective Counties, is hereby required and directed, on or before the Tenth Day of June, Yearly during the Continuance of this Act, to account with, upon Oath, and pay into the Hands of the said Treasurers respectively, all such Monies as the said Treasurer, or either of them, are by this Act impowered to receive.

IV. And be it further Enacted, by the Authority aforesaid, That the said Treasurers be allowed Five per Cent for their Trouble, on all the Monies by them respectively received, and paid into the General Assembly as Aforesaid, except upon such Sum or Sums as the Public Treasurer for the Northern District appointed by this Act, shall receive from the late Public Treasurer of the said District, or from any Person or Persons who hath or have acted for the said Public Treasurer; upon which Sum or Sums so received, no Commissions shall be allowed to the Public Treasurer by this Act appointed.

V. And be it further Enacted, by the Authority aforesaid, That the said Treasurers shall have the same Powers and Authorities, and be subject to the same Pains, Penalties, and Restrictions, as Public Treasurers were intitled or subject to, in and by an Act of Assembly passed at New Bern in April, One Thousand Seven Hundred and Forty Eight.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts of Assembly in all and every Clause and Clauses of any Act or Acts of Assembly, relative to the appointment of Public Treasurers for this Province, within the Purview of this Act, are hereby repealed.

VII. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Three Years, and from thence to the End of next Session of Assembly, and no longer.

CHAPTER XI.

An Act for erecting in the Town of Halifax a Public Gaol, and Gaoler's House, for the District of Halifax, in this Province.

I. Whereas the Gaol formerly erected for the District of Halifax, was lately burnt down, and there being no place of Sufficient Strength to secure the many Felons and other Misdoers in that District; by which means Numbers of Loose and disorderly Persons are daily committing the most atrocious Crimes with Impunity; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That from and after the passing of this Act, Mr. Peter Copeland, Mr. James Young, and Mr. Nicholas Long, shall be, and they are hereby appointed and constituted Trustees, to design, contract for, and cause to be built and finished a substantial and sufficient Gaol and Gaoler's House, of such Dimensions and Materials, and on such Part of the Public Lots in the said Town of Halifax, as to them, or the Majority, or Survivors of them, shall deem most Proper; Which Gaol so erected, shall be and remain the Public Gaol of the Several Counties now constituting the District of Halifax.

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III. And be it further Enacted, by the Authority aforesaid, That there shall be levied on each taxable Person within the several Counties in the said District Annually, for the Term of Two Years next after the passing of this Act, the respective Sums following, to-wit, On Each taxable Person within the County of Halifax, the Sum of One Shilling, Proclamation Money; and on each Taxable Person within the Counties of Northampton, Granville, Bute, Orange and Johnston, and Edgecomb, the Sum of Eight Pence Proclamation Money; which respective Taxes shall, by the Sheriff of each of the said Counties for the Time Being, be collected in the same Manner, and under the same Penalties for the Non-payment thereof, as is directed by Law for the collecting other Public Taxes; and the Monies arising therefrom shall be paid by the said Sheriffs respectively to the Trustees in this Act named, to be by them, or the Majority or Survivors of them as aforesaid, applied towards discharging the Contracts they shall enter into for the Buildings in this Act directed.

IV. And whereas by an Act of Assembly passed at New Bern, intituled, An Act to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court, to repair the Public Prison thereof, and other Purposes, a Poll Tax was laid on the several Counties of Halifax, Northampton, Edgecomb, Granville, and Johnston, for the Building a Wall round the Prison of the said District, and for other Purposes in that Act Mentioned; which Act has not been fully carried into execution; Be it therefore Enacted, by the Authority aforesaid, That the Trustees in that Act named shall account for, and pay unto the aforesaid Peter Copeland, James Young, and Nicholas Long, or the Survivors of them, the Surplus which now is, or shall be in their Hands of the said Tax unapplied to the Purposes in that Act mentioned, to be applied towards the Buildings in this Act directed; and the Lot or Lots of Ground, together with the Court House and Prison at Enfield, where the County Court used formerly to be held, belonging to the County of Halifax, are hereby vested in the aforesaid Peter Copeland, James Young, and Nicholas Long, and the Survivors of them, to be by them sold at Public Vendue and the Monies arising therefrom to be by them also applied to the Purpose in this Act Mentioned; And if the Taxes arising in Virtue of this and the before mentioned Act, shall be more than sufficient to compleat the Buildings herein directed, the Surplus thereof shall, by the Trustees herein named, be paid to the Court of each County first above mentioned, in proportion to the Number of Taxables collected from each of the said Counties and paid by the Sheriffs to the said Trustees.

V. And be it further Enacted, by the Authority aforesaid, That if any Sheriff who shall be chargeable with any of the Taxes by this Act assessed, shall neglect or refuse to account for and pay unto the Trustees in this Act named, the whole Sums he shall be chargeable with in Virtue of this Act, after deducting the usual Commissions for collecting, and such insolvents as shall be allowed by the Court of his County, the said Peter Copeland, James Young, and Nicholas Long, or the Survivors of them, shall have the same Method of Proceeding against such Sheriff by Motion, as is by Law given against Sheriffs for not accounting for other Public Monies by them received; and such Proceedings shall be good and valid in Law in any Court of Record within this Province, Respect being had to the Jurisdiction of such Court.

VI. And be it further Enacted, by the Authority aforesaid, That the Trustees in this Act Named, shall immediately proceed to the Discharge of the Trust by this Act reposed in them; and shall cause the said Buildings to be finished within Two Years from the passing of this Act, at farthest;

and on the Expiration of that Term they shall lay an Account, upon Oath, of their proceedings herein, with an Account of all Monies they shall receive by Virtue hereof, and the Sums paid by them on Account of the said Buildings, before the Court of each of the Counties herein named, for their Approbation.

CHAPTER XII.

An Act for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court, to repair the Public Gaol thereof.

I. Whereas the Public Gaol of Salisbury District has, by Experience, been found insufficient for the safe-keeping of Felons and others committed to the same; For Remedy thereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That a Poll-Tax of One Shilling Proclamation Money be, and is hereby laid, on each taxable Person within the County of Rowan, and a Poll-Tax of Eight Pence Proclamation Money, on each Taxable Person within the Counties of Anson and Mecklenburg, for the ensuing Year; which said Tax shall be paid, Collected, and distrained for, by the Sheriffs of each County respectively, in the same Manner, and under the like Rules, Fines, Forfeitures, and Penalties, as other Taxes are by Law to be collected and distrained for; and such Tax so collected by the said Sheriffs, shall be paid into the Hands of Mr. John Frobock, Mr. William Giles, and Mr. John Mitchell, or the Majority of them, on or before the Tenth Day of January which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Five; who are hereby impowered and directed, or a Majority of them, to agree with Workmen, for repairing the said Gaol in the Town of Salisbury, erecting a Wall round the same, and building a Gaoler's House thereto, in such Manner as the said Commissioners, or a Majority of them, shall think most proper; and the Monies so to be collected and paid, shall, by the said Commissioners, or a Majority of them, be applied towards paying such Workmen as aforesaid, and the overplus thereof, if any, shall by them be returned to the Justices of each of the said Counties respectively in Proportion to the Sums received from them; and to be by them applied towards defraying the Contingencies of each of the said respective Counties.

III. And be it further Enacted, by the Authority aforesaid, That if any or either of the said Sheriffs aforementioned shall fail or neglect to pay the Money to be collected by Virtue of this Act, into the Hands of the said Commissioners, or the Majority of them, on or before the said Tenth Day of January, it shall and may be lawful, and the aforesaid Commissioners, or the Majority of them, are hereby required to proceed against such Sheriff so neglecting, in the Superior Court of Salisbury District, or either of the Superior Courts within this Province, in the like Manner as Sheriffs are to be proceeded against in other Cases for Non-Payment of Public Monies which they have received.

IV. And be it further Enacted, by the Authority aforesaid, That after such Buildings and Repairs shall be made as aforesaid, when any Person or Persons within the District of Salisbury Superior Court shall be apprehended for any Criminal Offence, that on Conviction thereof would incur the Loss of Life or Member, it shall and may be lawful for the Inferior Court, or Justice of the Peace, as the Case may be, before whom an Examination of such Criminal shall be had, if such Court or Justice shall think it necessary, to commit such Criminal to the aforesaid Gaol; and the Sheriff of the

County wherein such Criminal shall be, is hereby directed and ordered to convey such Criminal to the said Gaol, and deliver him or Them to the Keeper thereof and take a Receipt for such Prisoner or Prisoners from the said Sheriff or Keeper, which shall be his Discharge for such Criminal or Criminals.

V. And be it further Enacted, by the Authority aforesaid, That after such Buildings and Repairs shall be made as aforesaid, the Sheriff of the County of Rowan for the Time Being, is hereby required and directed, when any Criminal shall be committed to the said Gaol, to employ some Person of Integrity to be Keeper thereof, who shall constantly reside in the said Gaoler's House during the Time such Criminal shall be in Gaol; and shall also take all Lawful Means for preventing such Criminal from escaping.

CHAPTER XIII.

An Act to continue an Act, intituled, An Act to amend and further Continue an Act, intituled An Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort; passed the Thirty First Day of May, One Thousand Seven Hundred and Fifty Two, for Five Years.

I. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That the before recited Act, intituled An Act, to amend and further continue an Act, intituled, An Act for facilitating the Navigation of Port Bath, Port Roanoke and Beaufort, passed the Thirty First Day of May, One Thousand Seven Hundred and Fifty Two, for Five Years, and every Clause and Article thereof, be, and is hereby continued for the Space and Term of One Year, from and after the Passing of this Act, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XIV.

An Act for erecting Part of St. Philip's Parish, in New Hanover County, and the lower Part of Bladen County, into a separate County, by the Name of Brunswick County; and for dividing the County of Granville, and erecting that Part thereof called St. John's Parish, into a separate and distinct County, by the Name of Bute County.

I. Whereas the great extent of the respective Counties of New Hanover and Bladen, render the attendance of the Inhabitants of St. Philip's Parish, in New Hanover County, and the Inhabitants of the lower Part of Bladen County, to do Public Duties in their respective Counties, extremely difficult and expensive.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That that Part of Bladen County which lies to the Westward of the Northwest Branch of Cape Fear River, be divided from the upper Part of Bladen County, by a line beginning at the upper Corner of a Tract of Land on which the Plantation of John Grange is situate, above the Mouth of Beaver Dam Creek, which Plantation lately belonged to Mr. Robert Howe, running from thence a direct Course to the East side of the Lake on Waggamaw River; and from thence by a West Line to the Bounds of the Province, so as to leave all the Inhabitants of the said Lake in Bladen County; and that the said Lower Part of Bladen County, together

with all that Part of New Hanover County called St. Philip's Parish, except so much thereof as lieth to the North Westward of the dividing Line hereby directed to be run to the Lake, and from thence to the Bounds of this Province, be erected into a Distinct County, by the Name of Brunswick County.

III. And be it further Enacted by the Authority aforesaid, That all that Part of St. Philip's Parish which lieth to the North westward of the said Line, to the East End of the Lake, and from thence to the Bounds of the Province, be annexed to, and it is hereby declared to be Part of Bladen County.

IV. And for the due administration of Justice; Be it Enacted by the Authority aforesaid, That from and after the First Day of March Next, an Inferior Court of Pleas and Quarter Sessions for the said County of Brunswick shall be held, Quarterly, on the Third Tuesdays in March, June, September and December, at the Town of Brunswick, by Commission to the Justices, in the same Manner as other Inferior Courts of Pleas and Quarter Sessions are held within this Province; And the said Inferior Court shall take Cognizance of all Matters, Suits and Things, and is hereby vested with the same Powers, Jurisdictions, and Authorities, that any other Inferior Court is, hath, or can have by Virtue of an Act, intituled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

V. And be it further Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Brunswick, are hereby directed to meet on the Third Tuesday in March next, at some convenient Place in the Town of Brunswick, and take the Oaths by Law appointed for their Qualification; and the Justices of the said County of Brunswick, or any Three of them, after being so qualified, shall hold an Inferior Court of Pleas and Quarter Sessions at the Place and Times hereinbefore appointed; And the said Justices of the Peace, and every of them, at all Times during their continuance in Office, as well within their Inferior Courts of Pleas and Quarter Sessions as without, shall have and exercise the same Powers and Authorities, and be subject to the same Forfeitures and Penalties, as other Justices of the several Counties within this Province are liable to.

VI. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said County to lay a Poll-Tax on the Inhabitants thereof, not exceeding One Shilling Proclamation Money, per Annum for the Term of Two Years, for building a Court House, Prison and Stocks, in the said County, at the Town of Brunswick; which said Tax shall be collected by the Sheriff of the said County, at such Times, and in the same Manner, as other Taxes are collected, and shall be paid to the Person or Persons who shall be empowered to receive the same.

VII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of New Hanover, or the Sheriff of the said County of Bladen, as the same Counties respectively stand undivided, to make Distress for any Tax, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said Counties on the Tenth Day of March, in the same Manner as by the said Sheriffs respectively could or might have been done if the said Counties had remained undivided; and the said Taxes, Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the Contrary notwithstanding.

VIII. And to the End that no Action commenced in New Hanover County

or Bladen County, be defeated by the Division aforesaid; Be it Enacted by the Authority aforesaid, That where any Action is already commenced in the County of New Hanover, or in the County of Bladen, and the Parties or Evidences, shall be Inhabitants of Brunswick County, all subsequent Process against such Parties or evidences shall be directed to be executed by the Sheriff of New Hanover County, if such Evidence was commenced in New Hanover County, or to the Sheriff of Bladen, if such Action was commenced in Bladen County, to the End and final Determination of the said Causes; any Law, Usage, or Custom to the Contrary notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Brunswick shall be, continue and remain, Part of the District of the Superior Court of Justice to be held at Wilmington, for the Counties of New Hanover, Bladen, Onslow, Duplin, and Cumberland; and the Justices of the Court of the said County of Brunswick, shall, and they are hereby directed, at the Court to be held for the said County next preceding every Superior Court, to nominate Eight Freeholders, to serve as grand and Petit Jurors at such Superior Court; a List of which Jurors so nominated shall be delivered by the Clerk of such Court to the Sheriff, who shall and is hereby required to summon the Persons so nominated to serve as Jurymen at the Superior Court of Justice held for the District of Wilmington; which Jurymen so nominated, shall have and receive, the same allowances, and shall be under the same Rules, Fines, and Restrictions, as other Jurymen are in the respective Counties of this Province; and the Sheriff of the said County of Brunswick shall, from Time to Time, account for and pay to the Public Treasurer for the Southern District of this Province for the Time being all Public Levies by him Collected, or wherewith he shall stand Chargeable, in the same Manner, and under the same Pains and Penalties, as other Sheriffs of the said District.

X. And whereas the Jurors appointed by the Jury Act to serve at the Superior Court for the District of Wilmington, were limited to sixteen for the County of New Hanover; Be it therefore Enacted by the Authority aforesaid, That the Jurors attending the said Superior Court, after the passing of this Act, shall be only Eight for the said County of New Hanover; any Thing in the aforesaid Act for appointing Jurors to the contrary notwithstanding.

XI. And be it Further Enacted by the Authority aforesaid, That the several and respective Sheriffs to be commissioned for the said County of Brunswick, shall be in the same Manner as is directed for appointing and commissioning the Sheriffs in the other Counties in this Province; and the said Sheriffs so commissioned for the said County of Brunswick, shall account for and pay to the Treasurer of the Southern District all Monies which he shall or ought to receive, in the same Manner as other Sheriffs, and shall have and exercise the same Powers and Authorities, and be liable to the Fines, Forfeitures, and Penalties, as are directed and Inflicted by the several Acts of Assembly of this Province in such Cases made and Provided.

XII. And be it further Enacted, by the Authority aforesaid, That the Justices of the County of Brunswick are hereby impowered and directed to employ, or cause to be employed, Workmen for building a Court House, Stocks, Prison and Pillory in the said Town of Brunswick, for the Use of the said County of Brunswick; and the said Court, and all Causes, Matters and Things, in the same depending, after such Court House shall be so built, shall stand adjourned from the Place where the Court shall before have been held, to the Court House.

XIII. And be it further Enacted, by the Authority aforesaid, That William Dry, Robert Howe, William Bartram, Hugh Waddle, and Robert Johnston, Esqrs., be appointed Commissioners, and they or any Three of them, are hereby impowered and directed to run a dividing Line between the County of Bladen and Brunswick County, agreeable to the Directions in this Act before mentioned; which said Commissioners shall be paid their necessary Expenses for running the said Lines, by the Court of their several Counties, out of the County Tax.

XIV. Provided always, That nothing herein contained shall be construed, deemed, or taken, to derogate from the Right and Royal Prerogative of his Majesty, his Heirs and Successors of granting Letters of Incorporation to the said County of Brunswick, and directing the Election of a Member or Members to represent the said County in General Assembly, of granting Markets and Fairs to be kept and held therein; but that the said Right and Prerogative shall and may at all times hereafter, be exercised therein by his said Majesty, his heirs and Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

XV. And whereas by Reason of the large extent of the County of Granville, it is greatly inconvenient for the Inhabitants, to attend the Courts of the said County, General Musters, and other Public Duties by Law required: Be it Enacted by the Authority aforesaid, That from and after the Tenth Day of June next, The said County of Granville shall be divided into Two Distinct Counties: and that all that Part of the said County which is now called or known by the Name of the Parish of Granville, from and after the said Tenth Day of June, shall be a Distinct County, and remain to be called Granville County: and that all that Part of the said County called and known by the Name of St. John's Parish, shall, after the said Tenth Day of June, be another Distinct County, called by the Name of Bute County.

XVI. And be it further Enacted by the Authority aforesaid, That after the said Tenth Day of June, a Court for the said County of Granville shall be quarterly held by the Justices thereof at the Place in the said County known by the Name of Oxford, upon the Days, and on the Times by Law appointed for that purpose: and also that a Court for the said County of Bute shall be quarterly held by the Justices thereof, on the Land of Jethro Sumner, at a Place known by the Name of Buffalo Race-Path, upon the Third Tuesday in February, May, August, and November, in every Year, as by the Laws of this Province is or shall be provided and as by commission, shall be directed to the Justices of the said Counties respectively.

XVII. And be it further Enacted, by the Authority aforesaid, That from and after the said Tenth Day of June next, all Causes, Pleas, Writs, Actions, Suits, Complaints, Process, Precepts, Recognizances, and other Matters and things, in the said County of Granville depending, shall stand adjourned and continue from the present Court House, to Oxford: and all appearances and Returns of Process shall be made on the Days by Law appointed for holding the said Court at Oxford; and all Suitors and Witnesses bound to appear thereat, in the same Manner as if the said Court had not been removed from the present Court House; and all subsequent Process which shall or may Issue on any Action which shall be commenced before the said Tenth Day of June next, and not determined in the said Court of Granville, shall be directed to, and executed by the Sheriff of the County of Granville, to the Final Determination of such Causes; any Law, Usage or Custom to the Contrary notwithstanding.

XVIII. And be it further Enacted, by the Authority aforesaid, That after the said Tenth Day of June, the said County of Bute shall be, continue and remain, Part of the District of the Superior Court of Justice to be held at Halifax, for the Counties of Northampton, Halifax, Edgecomb, Granville, Johnston and Orange; and the said Justices of the Court of the said County of Bute shall and they are hereby directed, at the Inferior Court next before every Superior Court of the said District to nominate Four Freeholders to serve as Grand and Petit Jurors at such Superior Court.

XIX. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Granville, as it now stands, to make Distress for any Levies, Fees, or other Duties, that shall be due from the Inhabitants of the said County on the said Tenth Day of June, in the same Manner as he might or could by Law have done if the said County had still remained undivided; and the said Levies, Fees, and other Duties, shall be accounted for in the same Manner, as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

XX. And whereas the Jurors appointed by the Jury Act to serve at the Superior Courts for the District of Halifax, were limited to eight for the County of Granville; Be it therefore Enacted by the Authority aforesaid, That the Jurors attending the said Superior Court after the passing this Act, shall be only Four for the said County of Granville; any Thing in the aforesaid Act for appointing Jurors to the contrary notwithstanding.

XXI. And be it further Enacted by the Authority aforesaid, That the Sheriff of the said County of Bute for the Time Being, after the said Tenth Day of June, shall account with and pay to the Public Treasurer of the Northern District of this Province, all Public Monies by him to be collected, under the same Rules and Restrictions, Fines, Penalties, Process, and Remedies, as other Sheriffs are by Law subject to.

XXII. Provided always, That nothing herein contained shall be construed, deemed, or taken or derogate from the Right and Royal Prerogative of his Majesty, his heirs or Successors, of granting Letters of Incorporation to the said County of Bute, and of ordering, appointing and directing the Election of a member or Members to represent the same in general Assembly and of granting Markets and Fairs to be kept and held in the said Counties respectively; but that the said Right and Prerogative shall be at all times hereafter exercised by his said Majesty, his Heirs and Successors, in as full and ample Manner to all Intents and Purposes whatsoever, as if this Act had never been made.

XXIII. And be it further Enacted, by the Authority aforesaid, That Mr. Samuel Benton, Mr. Robert Harris, and Mr. Philip Taylor, or a majority of them, be, and are hereby appointed Commissioners, and are impowered and directed to agree and contract with Workmen for erecting and building a Court House, Prison, Pillory and Stocks, for the use of the said County of Granville; and that Mr. Solomon Alston, Mr. William Johnston, and Mr. Julius Nichols, or a Majority of them, be and are hereby appointed Commissioners, and are impowered and directed to agree and contract with Workmen for erecting and building a Court-House, Prison, Pillory, and Stocks, for the use of the said County of Bute.

XXIV. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings, Be it therefore enacted by the Authority aforesaid, That a Poll Tax of Three Shillings, Proclamation Money, per annum, shall be levied on each Taxable Person, in the said Counties respectively, for Two Years next, after the first Day of November next;

and that all Persons in either of the said Counties who shall neglect to pay the said Tax after the first Day of March in each Year, shall thereafter be liable to the same Distress, as for non-payment of Public Taxes; and the Sheriff of each of the said Counties are hereby required and directed, on or before the tenth Day of June, in the said Years respectively, to account for and pay the said Monies by them to be collected, to the Commissioners aforesaid, after deducting six per cent for his Trouble in collecting the same, that is to say, as much thereof as shall be levied on the taxable Persons, of the said County of Granville to the aforesaid Samuel Benton, Robert Harris, and Philip Taylor, the Survivor or Survivors of them; and such Part of the same as shall be levied on the Taxable Persons of the County of Bute, to the aforesaid Solomon Alston, William Johnston, and Julius Nichols, the Survivors or Survivor of them; and in Case of Failure or neglect therein by the Sheriff, he shall be liable to the same Penalties, Restrictions and Remedy, for performing the Payment thereof, as by Law may be had against Sheriffs who neglect or refuse to account for and pay Public Taxes.

XXV. Provided nevertheless, That if the Money so to be collected shall be more than sufficient to answer the Purposes aforesaid, the said Commissioners respectively shall account for, and pay the overplus thereof, to the Justices of the Court of the County for which they are hereby appointed Commissioners; to be applied towards defraying the Contingent Charges of such County.

CHAPTER XV.

An Act to empower the Sheriff of the County of Orange for the Time Being, to collect and apply the Arrears of the Taxes due in the said County for the several Years therein Mentioned.

I. Whereas by Reason of the extensive and unsettled Situation of the County of Orange, great Deficiencies have arisen in the Collection of the Taxes for the said County, for the Years One Thousand Seven Hundred and Fifty Six, One Thousand Seven Hundred and Fifty Seven, One Thousand Seven Hundred and Fifty Eight, One Thousand Seven Hundred and Fifty Nine, One Thousand Seven Hundred and Sixty, and One Thousand Seven Hundred and Sixty One, whereby the then Sheriffs, and their Securities, are become liable to the Payment of Large Sums, which they were unable to collect during their Continuance in the said Office:

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That from and after the passing of this Act, the Sheriff of the said County of Orange for the Time Being, shall have full Power and Authority to receive and Collect the Arrears of the Taxes due for the One Thousand Seven Hundred and Fifty Six, One Thousand Seven Hundred and Fifty Seven, One Thousand Seven Hundred and Fifty Eight, One Thousand Seven Hundred and Fifty Nine, One Thousand Seven Hundred and Sixty, and One Thousand Seven Hundred and Sixty One, in the said County, in the same Manner and Form as other Taxes are by Law to be collected.

III. And be it further Enacted, That the Sheriff of the said County for the Time Being, do collect and receive such Deficient Taxes, according to the List and Rates, for each of the said Years respectively appointed.

IV. Provided nevertheless, That if any Person against whom any Demand for such deficient Taxes shall be made, shall produce a Receipt or

Receipts of his having paid the same; or in case of the Loss or mislaying of such receipt or Receipts, shall make Oath before any Justice of the Peace within Ten Days after such Demand made, of his having paid and discharged the same, or Part thereof, or that he was not at that Time a Taxable in the said County, and obtain a Certificate of the same from such Justice, such Person shall be exonerated and cleared from the said Demand, either in Part or Whole, as the Case may be.

V. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of Orange for the Time Being, shall, within Two Months after the passing of this Act, give Public Notice, by advertising the same at the Court House, and other Places of Resort in the said County, of the Time and Place he shall attend to receive such Deficient Taxes, at least one Month before he shall make Distress for the same; and all Persons paying the same on or before the Time appointed by such Notice, shall not be liable to any Cost or Charge.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall fail to pay such deficient Taxes agreeable to this Act, it shall and may be lawful for the Sheriff of the said County for the Time being, to make distress for the same in the same Manner as by Law appointed for Sheriffs to distrain in other Cases, and shall take and receive the usual Fees upon the same; and the said Sheriff of the said County for the Time Being, shall be intitled to the same Fees for receiving and Collecting such Deficient Taxes, as are by Law allowed to Sheriffs for such Services.

VII. And be it further Enacted, by the Authority aforesaid, That the Sheriff or Sheriffs of the said County of Orange, concerned in the Collecting and receiving such Deficient Taxes shall account for the same by him or them respectively received by Virtue of this Act, on or before the tenth day of October next, which will be in the present year of our Lord One Thousand Seven Hundred and Sixty Four, by paying such deficient Taxes so by him collected, into the hands of Mr. Tyree Harris, to be applied as hereafter shall be directed; And the said Sheriff or Sheriffs so collecting or receiving such deficient Taxes as aforesaid, shall distinguish, and render a separate Account of the respective Sums by him or them collected for each of such deficient Years, separately; and in case of his or their Refusal or Neglect to comply with the Direction of this Act, it shall and may be lawful to have such Proceedings and Remedy against him or Them, as against Sheriffs in the like Cases are provided.

VIII. And be it further Enacted, by the Authority aforesaid, That all such Sums of Money so to be collected by the said Sheriff or Sheriffs, and by them to be accounted for and paid into the Hands of the said Tyree Harris, shall be by him applied to reimburse, satisfy, and discharge such Payments, Damages or Executions, which the Securities for the Persons acting as Sheriffs for each of such Deficient Years respectively, may, actually and Bona Fide, appear to have suffered at this Time, or at any Time before a final Application of the Money so to be received and applied under the Directions of this Act: And if the Sums so to be collected and received shall not be sufficient for discharging the Whole of such Damages, Exceptions, or Payments, then, and in that Case, the said Tyree Harris, is hereby directed and impowered, to apply such Sums so collected and Received, in Proportion to the Loss or Damage by any Security or Securities actually sustained as aforesaid, and the Amount of the deficient Taxes received for the Particular Years in which they were Securities; and the said Tyree Harris is hereby enjoined and directed, to make out such Proportionable

Application of the Money so by him to be received, according to the true Intent and Meaning of this Act, and within Three Months after the Receipt of such Deficient Taxes so to be collected as aforesaid; And further that he do upon Oath, lay an Account of his Proceedings therein before the next succeeding Court of the said County, with a Particular Account of all Monies he shall have received by virtue hereof, distinguishing the amount received for each of such Deficient Years, and the Particular Manner and Proportion in which he hath applied the same: Which Account the said Court are hereby impowered to require from Him, and to make such Final Order or Alterations, upon due Examination of the whole Proceedings therein as they shall judge fit; any Law or Usage to the contrary in any wise notwithstanding.

CHAPTER XVI.

An Act for ascertaining a proper Place for building thereat a Court-house, Clerk's Office, Prison and Stocks, for the County of Edgecomb.

(Printed in Private Acts, *post.*)

CHAPTER XVII.

An Act directing the Boundary Line between the County of Dobbs and Pitt, and appointing Commissioners to see the same Run.

I. Whereas the Act of Assembly intituled, An Act for erecting the upper Part of Beaufort County into a County and Parish, by the Name of Pitt County, and St. Michael's Parish; and for adjourning the Court from the Court House on the Land of Thomas Bonner, to the Court House in Bath Town, and other Purposes therein mentioned; no Commissioners were appointed by the said Act for running the Boundary Line between the Counties of Dobbs and Pitt; by reason whereof the Line has never been run; and the Inhabitants within the disputed Bounds refuse to give in a list of their Taxables, or pay their Taxes in either of the said Counties: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That Mr. Richard Caswell, Mr. John Simpson, and Mr. William Wilson, be appointed Commissioners, and they are hereby impowered and required to run the said dividing Line between the Counties of Dobbs and Pitt; from Blount's Ford on Little Cotentney Creek, to Luke White's, then up the middle Swamp to William Wilson's, and from thence to the nearest part of Edgecomb County; which said Lines, when run by the Commissioners aforesaid, or any two of them, shall be by them entered on Record in the Court of Each of the said Counties of Dobbs and Pitt, and shall thereafter be deemed and taken to be the dividing Lines between the said Counties.

III. And for defraying the Charge of running the said Line, Be it further Enacted by the Authority aforesaid, That the Inferior Courts of each of the said Counties of Dobbs and Pitt shall lay a sufficient Poll Tax on the Inhabitants of their respective Counties (which shall be levied in the same manner as other Public Taxes) as shall be sufficient to pay and satisfy their respective Commissioners for the Charge and Trouble in running the aforesaid Line.

CHAPTER XVIII.

An Act for altering the dividing Line between the Counties of Bladen and Cumberland.

I. Whereas the dividing Line between the Counties of Bladen and Cumberland, running North East and South West, is found to be inconvenient to the Inhabitants of both the said Counties.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the dividing Line between the said Counties of Bladen and Cumberland, shall begin at the mouth of Rock Fish and shall run a due East Course to Black River, and from the Mouth of Rock Fish Creek, up the said Creek to Gravely Hill, and from thence a due West Course to Drowning Creek; and all the Lands to the Northward of the said Line shall from henceforth be deemed and held to be a Part of Cumberland County, and all the Lands to the Southward of the said Line shall be deemed and held to be a Part of Bladen County; any Law to the Contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That Mr. Isaac Jones, Mr. Farquard Campbell, and Mr. Walter Gibson, be, and are hereby appointed and authorized Commissioners, and are hereby empowered and Directed to run the said Line between the said Counties of Bladen and Cumberland.

IV. And be it further Enacted, by the Authority aforesaid, That the Justices of the Peace of the said County of Cumberland are hereby empowered and directed to defray the Expenses of running the said dividing Line out of the County Tax.

V. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriffs of the aforesaid Counties, as the same now stand, to make distress for any Levies, Fees, or other Dues, that are now due, or that shall be due the Tenth Day of March next, from the Inhabitants of the said Counties; but that they may make Distress in the same Manner as by the Law the said Sheriffs could or might have done if the said dividing Line had remained without Alteration; and the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the contrary notwithstanding.

CHAPTER XIX.

An Act for annexing Part of Craven County to Dobbs County.

I. Whereas the Inhabitants residing in that Part of Craven County, lying on the southermost side of the Southwest Creek, and the upper Branches of Trent River, labor under great Hardships, Fatigue, and Inconveniences, in attending the Inferior Courts, and other Public Meetings in the said County, at New Bern, where the same are generally held and called; and as the said Inhabitants are more contiguous to Dobbs County, where they can with greater ease and Convenience attend, are desirous of being annexed thereto.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Mr. Joseph Leech, Mr. Richard Caswell, and Mr. Francis Mackilwean, be, and they are hereby appointed Commissioners; and they or a Majority of them, are required and directed, within three

Months after the passing of this Act, to run and Mark, or cause to be run and marked, a Line from the South West Bridge near James Caddel's to Carnegie's Old Field, and Rattle Snake Branch; then a direct Line to William Randal's Mill, on Trent River; then to a Place where Abraham Bailey lately lived; and from thence South to the Bounds of Onslow County; and that all that Part of Craven County lying to the Westward of those Lines be annexed to Dobbs County; and the Inhabitants thereof shall be liable and subject to the same Duties, Taxes, and Impositions and intitled to the same Privileges, Benefits, and Advantages, as the other Inhabitants of the said County of Dobbs.

III. Provided always, That nothing herein contained shall be construed to debar the Sheriff of Craven County from making Distress for any Levies, Fees or other dues, which are or shall be due on the Tenth Day of March next, from the Inhabitants of that part of Craven County by this Act annexed to Dobbs County, in the same Manner as by Law the said Sheriff might or could have done if this Act had never been made; any Thing herein contained, to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts of Assembly of this Province, and each and every Clause and Article thereof, so far as relates to any Matter or Thing within the Purview of this Act is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XX.

An Act for the Building of a house for a school and the residence of a school Master in the Town of New Bern.
(Printed in Private Acts, *post.*)

ARTHUR DOBBS, ESQ., Governor.
Jas. Murray, President.
JOHN ASHE, Speaker.

Read Three Times and
ratified in open Assembly
9th Day of March 1764.

LAWS OF NORTH CAROLINA, 1764.

At an Assembly, begun and held at Wilmington, the Thirtieth Day of January, in the Fifth Year of the Reign of our Sovereign Lord, George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and from thence continued, by prorogation to the Twenty Fifth Day of October in the Year of our Lord One Thousand Seven Hundred and Sixty Four: Being the Second Session of this present Assembly. *Arthur Dobbs*, Governor.

CHAPTER I.

An Act to amend and continue an Act, intituled, An Act for dividing this Province into Five several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein.

I. Whereas it has been doubted, whether the Chief Justice of this Province for the Time being, has power given him by Law to hold either of the Superior Courts in the Absence of his Associate; For Remedy whereof,

II. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Chief Justice for the time being to hold all and every one of the said Superior Courts by himself, in the absence of his Associate; and he is hereby declared to have full power, to all intents and purposes, to have, use and exercise, the same power, Jurisdiction and Authority, in every Respect, as the said Chief Justice and his Associate might have lawfully used and exercised before the passing of this Act.

III. And whereas it hath been found inconvenient, that Causes set for Argument, should be heard and determined within the four last days of the Term; For Remedy whereof, Be it Enacted by the Authority aforesaid, That for the future, all Arguments, Writs of Error, Special Verdicts, Cases Agreed, Demurrers, Petitions for Legacies and Distributions of Intestate Estates shall be heard and determined within the four first days of the Court.

IV. Provided nevertheless, That nothing herein contained shall be construed to bar or hinder the Court from the Trial of Jury Causes in any of the said first four days, or hearing any argument in any of the above Cases on any other day of the Court.

V. And whereas the allowance by Law for the Associate of Salisbury District, is found inadequate for his trouble and expence; Therefore be it Enacted by the Authority aforesaid, That for the future, the Associate for the said District shall have and receive the sum of twenty-five Pounds, Proclamation Money, for every Court he shall hold as an additional Salary; to be paid him in the same manner, and at the same time as he is to receive his salary by virtue of the aforesaid act for establishing Superior Courts.

VI. And whereas the before recited Act for establishing Superior Courts, will expire at the end of the next Session of Assembly that shall be held after the first day of January next; and the same, by experience has been found of general Utility to this Province; Therefore, be it Enacted, by the

Authority aforesaid, That the aforesaid Act of Assembly shall continue and be in force, from and after the first day of January next, for and during the term of two years, and from thence to the end of the next Session of Assembly, and no longer; any law to the contrary notwithstanding.

CHAPTER II.

An Act to amend and continue an Act, intituled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

I. Whereas the several Days appointed by the aforesaid Act, for holding the Inferior Courts of the Counties of Halifax, Northampton, Bertie, and Carteret, have been found inconvenient for those whose Business it is to attend such Courts: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of December next, the Inferior Courts of Pleas and Quarter Sessions for the aforesaid several Counties, shall be held on the days following, instead of the Days heretofore appointed for holding such Courts; to-wit, Halifax, on the First Tuesday in January, April, July and October. Edgecomb, on the second Tuesday in January, April, July, and October. Bute on the last Tuesday in January, April, July, and October. Granville on the First Tuesday in February, May, August and November. Orange and Northampton, on the second Tuesday in February, May, August and November. Bertie on the Fourth Tuesday in March, June, September, and December. Carteret on the Third Tuesday in March, June, September, and December in every year.

III. And be it further Enacted, by the Authority aforesaid, That in all cases, wherein by any Act of Assembly, Action is given, or Recovery directed to be had, in any County Court, or in any of the late Inferior Courts of Pleas and Quarter Sessions, or where any Power or Authority is given to either of the said Courts, such Action shall and may be tried and such Power and Authority is hereby declared to be vested in the Justices of the respective Inferior Courts by the said Act established. Provided, Nothing herein expressed, shall be construed to impower the Inferior Courts to take Cognizance of any Matter or Thing by Civil Action where the Plaintiff's Demand shall exceed Twenty Pounds, Proclamation Money.

IV. And whereas the Method appointed by Act of Assembly for obliging the Clerks of the Inferior Courts to account with the Governor or Commander in Chief for the time being, hath proved ineffectual, Be it therefore Enacted, by the Authority aforesaid, That when a motion shall be hereafter made against any Clerk for Fees, which such Clerk ought to be accountable for to the Governor or Commander in Chief, the Sum supposed to be due, shall be specified in the Notice served on such Clerk, (at least ten Days before such motion) who, on appearing thereto, shall render an account, upon Oath, for all such monies as he hath, or ought to have received for such Governor, or Commander in Chief, and pay the same; and on failure so to do, the Court shall give judgment for the whole Sum mentioned in such Notice and award Execution thereon.

V. And be it further Enacted, by the Authority aforesaid, That all Actions, Suits, Writs, Process, Petitions, Indictments, Informations, or Presentments whatsoever, heretofore commenced in, issued from, or returnable to the respective Courts the Time for holding of which is altered by this Act, shall be, and are hereby continued to the particular Days and Times

hereby appointed; and all Subpoenas for Witnesses and Recognizances for the Appearance of Persons at the said Courts, as effectual as if the particular Day for holding any of the said Courts had been mentioned therein; and the Persons summoned as Witnesses, and entering into such Recognizances, bound to appear accordingly.

VI. And whereas the aforesaid Act of Assembly will expire on the First Day of January next, and the same by Experience has been found to be of general Utility to this Province: Therefore, Be it Enacted, by the Authority aforesaid, That the aforesaid Act shall continue and be in Force, from and after the First Day of January next, for and during the Term of Two Years, and from thence to the End of the next Session of Assembly, and no longer; any Law to the contrary notwithstanding.

CHAPTER III.

An Act for continueing an Act, intituled, An Act directing the Method of appointing Jurymen in all Causes, Criminal and Civil.

I. Whereas the said recited Act will soon expire, and some Defects have, by Experience, been found therein, which renders it necessary to continue and amend the same;

II. Be it therefore Enacted, by the Governor, Council and Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the Passing of this Act, Suits depending or prosecuted in any of the Superior Courts of Justice within this Province, wherein the Title or Bounds of Land shall come in Question, if it shall appear to the Court that it will be necessary that the Jurors who are to try the Issue joined in any such Suit, should have a View of the Messuages, Lands or Place in Question, in order to their better understanding the Evidence that will be given upon the trial of such Issue; in every such Case the Court in which such Suit shall be depending, may (on Reasons being shewn, and approved by such Court) order special Writs of Venire Facias, or Habeas Corpora, to issue by which the Sheriff or other such Officer to whom the said Writ shall be directed, shall be commanded to have the Jurors named in such Writ, or Six of them at Least at the Place in Question, some convenient Time before the trial of such Cause; who then and there shall have the Matter in Question shewn to them, by Two Persons in the said Writ named, and to be appointed by the Court; and the Sheriff or other Officer shall certify of the said Writ, what Proceedings have been had thereon.

III. And be it further Enacted, by the Authority aforesaid, That where a View shall be ordered as aforesaid, the Jury appointed for that Purpose, shall be struck in Manner following, to-wit, The Plaintiff and Defendant, or their Attornies, shall deliver to each other, a List containing the Names of twelve honest freeholders inhabiting within the district of the Court ordering such View; and each party having struck out six of the names on the said List, the Persons whose Names are remaining thereon, shall be the Jurors to have such View; and if either Party shall refuse to comply with the Directions of this Act in striking such Jury, the Court shall strike Six Jurors in the Stead of him so refusing.

IV. And be it further Enacted, by the Authority aforesaid, That when a special Jury shall be allowed as aforesaid, Six of the Jurors named in the Pannel, or more, who have had such View, and appear, shall be first sworn on the Trial of the Issue joined in the Cause, before any others shall be

balloted; and so many only shall be balloted and added to the Viewers who appear, as, after all Defaulters and Challenges allowed, make up the Number of Twelve to be sworn.

V. And be it further Enacted, by the Authority aforesaid, That when any such View shall be ordered as aforesaid, the Court allowing the same, may, if it shall appear necessary, order any Surveyor or Artist to attend the same, and to run out, and survey the Lands and Lines in Dispute, in such Manner as each Party and the Viewers shall direct, and to make Three accurate Plans of such Surveys, and return the same to such Court; which Order such Surveyor or Artist is hereby required to obey.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriff or other Officer to whom such Writ or Distringas, or habeas Corpora, shall be directed, shall summon the Jurors therein Named to appear at the Place to be viewed, at least Five Days before such View is to be had; and every Juror being so summoned and failing to attend and take such View, or to attend the Court to try the Issue in the Cause, shall be fined by the Court for every such Neglect a Sum not exceeding Three Pounds Proclamation Money; to be levied as other Fines set on Jurymen, and applied to the Use of the County wherein the Lands in Dispute are situate; unless the Person fined shall, on Oath, shew to the Court sufficient Reason for such Failure or Neglect.

VII. And be it further Enacted, by the Authority aforesaid, That the Jurors attending such View, and at the Court in the Tryal of such Issue, shall have the same allowance as Jurors are intitled to who attend at the Superior Courts of Justice; and the Sheriff shall be allowed Ten Shillings per Diem, for attending at such View, to remove Force, if any shall be offered; and the Surveyor or Artist shall have and receive Twenty Shillings Proclamation Money, per Diem, for travelling to and from, and attending at the Place of such View, and discharging his Duty as by this Act required; which several Allowances shall be taxed and allowed in the Bill of Costs.

VIII. Provided always, That if it shall appear upon the Tryal of any such Cause, that the Striking of a Special Jury was altogether unnecessary, the Party who applied for the same, shall pay all the Extraordinary Expences occasioned by striking such Jury; and shall have no other allowance of Costs than he would be intitled to, if the Cause had been tried by a Common Jury.

IX. And whereas the Jurors appointed for the Superior Courts are very remiss in giving their Attendance, to the great Hinderance of Business; Be it therefore Enacted, by the Authority aforesaid, That hereafter, when any Person nominated as a Juror to attend at either of the said Courts, shall fail to give due Attendance at the same, it shall and may be Lawful for the said Court to fine the Person so Failing, any Sum not exceeding Five Pounds, Proclamation Money, instead of the Sum mentioned in the said recited Act; unless such Person can shew a Reasonable Excuse for such Failure.

X. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, no Person owning a Public Grist Mill, shall be excused from serving as a Juror at any Superior or Inferior Court, to which he may be summoned; unless such Person doth make it appear to such Court, upon Oath, that he doth in Person actually attend such Mill as the Miller thereof: Any Thing in any Former Act of Assembly to the contrary notwithstanding.

XI. And whereas the Business of the Inferior Courts of Pleas and Quarter Sessions, does not require such constant Attendance of Grand Jurors as by

the before recited Act is directed; Be it Enacted, by the Authority aforesaid, That from and after the First Day of January next, every Sheriff shall summon Twenty Four Grand Jurors, to attend at the Inferior Court of Pleas and Quarter Sessions for his County, once in Six Months only; that is to say, at the Court next preceding the Superior Court of the District; Any Thing contained in the said Act to the contrary notwithstanding.

XII. And be it further Enacted, by the Authority aforesaid, That so much of the said recited Act as is not otherwise provided for by this Act, and all the Powers and Authorities therein contained, shall continue and remain in full Force and Effect for Two Years, from and after the aforesaid First Day of January next, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IV.

An Act for rendering more Effectual the Laws making Lands and other Real Estates liable to the Payment of Debts.

I. Whereas by an Act of Parliament passed in the Fifth Year of the Reign of his late Majesty King George the Second, intituled, An Act for the more easy Recovery of Debts in his Majesty's Plantations and Colonies in America, among other Things it is Enacted, That the Houses, Lands, Negroes, and other Hereditaments and Real Estates, situate and being in any of the said Plantations, belonging to any Person indebted, should be liable to, and chargeable with all the just Debts, Duties and Demands, of what Nature or Kind soever, owing by any such Person to his Majesty, or any of his Subjects; and may be seized, extended, sold, and disposed of, for satisfying the same; and many Lands and other Real Estates within this Province have been accordingly been seized and sold, for paying and satisfying Debts and Duties owing to his Majesty and others by the Inhabitants thereof, as well in the Lifetime of such Debtors, as after their Decease: Notwithstanding which, it hath of late been doubted whether such sales are well and sufficiently warranted by the said Statute; by Reason whereof, the Titles of many fair and honest Purchasers are likely to become precarious, and the Credit of the Province much lessened; For Prevention whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the same, That every Conveyance and Sale heretofore made by any Sheriff or other Officer, of any Lands and other Real Estates, by Virtue of any Writ of Fieri Facias issued against such Estates in the Lifetime of the Person seized thereof, or after his Decease, on Judgment obtained against his or her Executors or Administrators, where the Court which rendered such Judgment have adjudged the Lands and other real Estate of such deceased Person to be Assets for satisfying the Debt or Damages recovered against his or her Executors or Administrators, shall be good and Valid, and are hereby declared to be effectual and sufficient in Law to convey, assure and confirm, to every Person and Persons claiming under such Conveyances and Sales, their Heirs and Assigns, all the Estate, Claim, Title, and Right of Entry which the Person or Persons so being or dying seized of any such Lands or other real Estates, had, or was intituled to.

III. Provided always, That nothing herein contained shall tend to validate or confirm any such Conveyance, or render the Title of a Person defective, who shall have bona fide purchased any Land or other real Estate, from

the Heir or Devisee of any Deceased Debtor, and shall have a Deed for the same, duly proved and registered, before such Lands or other real Estate were adjudged to be assets for paying his or her Debts as aforesaid; any Thing herein contained to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the lands, Hereditaments, and other real Estates, of every Person or Persons seized of any such Estates scituate within this Province, shall, and are hereby declared to be liable to, and chargeable with, all the just Debts, Duties and Demands whatsoever, owing by any such Person to his Majesty, or any of his Subjects, as well in the Lifetime of such Person, as after his or her Decease; and shall and may be seized, taken, sold, and disposed of, for satisfying such Debts; any Law or Usage to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That when any Suit shall hereafter be commenced against an Executor or Administrator, and there shall not be sufficient personal estate in the Hands of the Defendant to be administered, to satisfy the Debt or Damages sued for; the Defendant shall plead the true State of the Case, upon Oath, and thereby shew the Amount of the Personal Assets remaining in his or her Hands, what oustanding Debts and other Assets are likely to come to his Possession thereafter, what Lands or other Real Estate the Testator or Intestate died seized of, or was intitled to at the Time of his Death, where the same are Scituate, and to whom such Estate hath descended or been devised, if any Descent or Devise thereof hath happened; and thereupon the Court before whom such Suit shall be depending, shall order a Summons to Issue for such Heir or Devisee, to appear and shew Cause why the Plaintiff shall not recover in his or her Suit, or why such Lands and Real Estate shall not be liable to the Plaintiff's Demand; And if there be no Heir or Devisee, or where there are any such, and shall not, on being summoned, appear and shew sufficient Cause as aforesaid, Execution shall be awarded against the Lands, Hereditaments, and other real Estates of the Person Deceased, which shall and may thereby be taken, seized, and sold, for satisfying the Debt or Damages, and Costs, which the Plaintiff shall recover.

VI. And be it further Enacted, by the Authority aforesaid, That when any Lands or other Real Estate descended to an Heir, or devised to a Devisee, shall be sold to satisfy any Debt or Demand recovered against an Executor or Administrator, and personal Assets shall after come to the Hands of such Executor or Administrator, to be administered, more than sufficient to pay, and all the Debts and Demands wherewith the deceased Debtor stood chargeable at the Time of his Death; in that Case such Executor or Administrator shall reimburse and pay to such Heir or Devisee, the Monies levied on the Lands descended or devised to him, out of such Personal Assets.

VII. And be it further Enacted, by the Authority aforesaid, That where it shall be necessary to summon the Heir or Devisee of any Person Dying indebted as aforesaid, who shall reside out of the County, the Summons issued in such Case shall be directed to the Sheriff of the County where the Lands or other Real Estates are scituate; which Sheriff shall make Proclamation at the Inferior Court of his County at Three Courts successively, while the Court is sitting, for the Person directed to be summoned to appear and shew Cause as aforesaid; which shall be deemed a good Service, and being returned so Executed, shall be proceeded on in Manner directed by this Act.

VIII. And be it further Enacted, by the Authority aforesaid, That where Judgment in any Case hath been, or shall be obtained against an Executor or Administrator, by Confession, Default, or Demurer, or to be levied when

Assets shall come to the Hands of the Defendant, the Plaintiff may have a Scire Facias for the Executor or Administrator of the Deceased, and the Heir or Devisee of such Person, suggesting that there are sufficient Lands and other Estate to satisfy such Judgment and Costs; and if it shall appear to the Court that there are not sufficient Personal Assets to satisfy such Judgment, and the Heir or Devisee shall fail to shew sufficient Cause why the Plaintiff ought not to have recovered, or why the Lands and other Real Estate to him or her Descended or devised, shall not be liable to the Plaintiff's Demand; and where there shall be no Heir or Devisee, in every such Case the Plaintiff shall have Execution for his Debt or Damages, and Costs; to be levied on the Lands and other Real Estate of the deceased Debtor.

IX. Provided always, That no Lands or other Real Estate of any Person whatsoever, shall be subject to the Payment of any Debts, Duties, or Demands by him or her due and owing to any Person or Persons whatsoever, (Debts due to his Majesty, and Persons residing in Great Britain, excepted) unless such Debts or Demands shall be sued for within Five Years after the passing of this Act, or the Death of the Person or Persons chargeable with the same.

X. Provided also, That nothing in this Act contained shall be construed to hinder or prevent the Heir or Devisee of any such Person from entering into such Lands or other real Estate as shall descend or be devised to him, her or them; but every such Heir or Devisee may make such Entry, and take and receive the Profits of such Lands or other real Estates to his, her, or their own Use, until such Time as it shall be necessary, to sell and dispose of the same for satisfying the Debts or Demands wherewith the Person or Persons under whom such Heir or Devisee shall Claim, shall stand chargeable at the Time of his or her Death.

XI. And be it further Enacted, by the Authority aforesaid, That where a Fieri Facias hath been, or shall be Issued, against the Lands or other Real Estate of any Person in his or her Lifetime, or after his or her Decease, and the Sheriff or other Officer to whom such Writ hath been, or shall be directed or delivered, hath departed this Life, or been removed from his Office, or shall die or be removed from his Office without compleating the Execution of such Fieri Facias, and executing a Deed for conveying the Title of the Lands required to be sold by such Fieri Facias, to the Purchaser thereof; it shall and may be lawful for any Succeeding Sheriff, and he is hereby required and directed, to proceed in compleating the Execution of such Writ, according to the Command thereof, and in executing a Deed of Bargain and Sale to the Purchaser of the said Lands and Tenements sold thereby; and every such Proceeding shall be as effectual and available in Law to every Intent and Purpose whatsoever, as if the same had been done and performed by the Sheriff or other Officer to whom such Writ was directed or first delivered.

XII. And be it further Enacted, by the Authority aforesaid, That when any Writ of Fieri Facias, shall issue against Lands or other Real Estates, the same shall be in the following Form, mutatis mutandis, viz.:

NORTH CAROLINA.

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. To A. B., Sheriff of the County of _____ Greeting. We command you, that you cause to be Made, of the Personal Estate of C. D. in your Bailiwick, (Slaves excepted) if the same be sufficient, and if not, then of the Personal Estate of the said C. D. including Slaves; and if the same be Insufficient, then of the Personal Estate, Lands

Tenements, Hereditaments and other Real Estate, of the said C. D. the Sum of _____ which E. F. lately in our Superior Court of Justice, held for the District of _____ at _____ recovered against him for Debt; and also the Sum of _____ which were awarded to the same E. F. for his Damages, which he sustained, occasioned as well by the detaining his said Debt, as for his Costs and expences laid out by him in and about his Suit in that Behalf; whereof the said C. D. is convict as appears to us of Record; and have you the said Monies before our said Court at _____ aforesaid, on the _____ Day of _____ next, to render to the said E. F. his Debt and Damages aforesaid: And have you then and there this Writ. Witness, &c.

By Virtue of Which, the Sheriff or other Officer shall levy the Debt or Damages, and Costs, mentioned in such Writ, according to the Command thereof.

XIII. And be it further Enacted, by the Authority aforesaid, That when any Lands or other Real Estate, shall be taken on Execution on a Fieri Facias, the Sheriff or other Officer shall sell the same at public Auction for the best Price that can be got, having first given Public Notice of such Sale at the Court House, and every Church and Chapel in the County, for One Month at least before such Sale; and shall give the Purchaser a Deed of Bargain and Sale, and put him or her into Possession thereof; which Deed being first duly proved or acknowledged and registered, shall, and is hereby declared to be effectual and sufficient in Law, to convey and assure to the Purchaser or Purchasers, his, her, and their Heirs and Assigns, all the Title, Interest, Property Right of Entry, claim and Demand whatsoever, in the Lands or other Real Estate so sold, of the Person or Persons who shall be chargeable with the Debt or Damages mentioned in such Execution, and every other Person claiming by, from or under him or her; and out of the Money arising by such Sale, shall pay and satisfy the Debt or Damages, and Costs mentioned in such Execution, and pay the overplus, if any, to the Person intituled to receive the same.

CHAPTER V.

An Act to prevent the Exportation of Unmerchantable Commodities.

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the Time Inspectors are to be appointed by Virtue of this Act, no Hemp, Flax, Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, Tanned Leather or Deer Skins shall be exposed to Sale for Exportation, or any indigo paid in Discharge of Taxes, until the same shall be duly Inspected, under the Regulations hereinafter expressed; and the Justices of the Inferior Court in every County within this Province are hereby Authorized and required at the first or Second Court to be held in each County, after the passing of this Act, and on the First Court in each County respectively, which shall be held next after the First Day of January in each Succeeding Year, to nominate and appoint in open Court, One or more Fit or proper Person or Persons, residing in the said County, to attend at such Times and Places as are by this Act appointed and directed, (except at Wilmington in New Hanover County, where there shall be Two Inspectors and no more) to inspect all such Hemp, Flax, Flax Seed, Pork, Beef, Rice, Flour, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, and Deer Skins, within the respective Counties according to the Directions of this

Act; And every Inspector so appointed Shall, before he enters upon or executes his Office, enter into Bond, with Two or more Good or Sufficient Securities, in the Penalty of Five Hundred Pounds, Proclamation Money, for the True and Faithful Discharge of his Office, according to the Directions of this Act (which Bond and Securities every such Court respectively is hereby empowered and required to demand, take and Cause to be acknowledged before them in open Court and recorded; which Bond shall be made payable to the Governor, or Commander in Chief for the Time Being, and shall be in Force for the Term of Three Years after such Inspector shall be put out of Office; and that in the Name of the Governor, or Commander in Chief for the Time Being, any Person or Persons injured may and shall, at his, her, or their Costs and Charges, commence and prosecute a Suit or Suits on such Bond, against the Parties therein Bound, their Executors or Administrators, and shall and may recover all Damages, which he, she, or they, may have sustained, by Reason of the Breach of the Condition thereof; and the said Bonds shall not become void from the first recovery, or if judgment shall be given against any plaintiff or plaintiffs who shall sue on such Bond, but may be put in Suit and prosecuted from Time to Time, for the Benefit of the Party or Parties Injured, until the whole Penalty expressed in such Bond shall be recovered. Provided always, That if any Verdict or Judgment shall pass for such Inspector, or his Security, the Person or Persons at whose Instance such Suit shall be prosecuted, shall pay double Costs. And every such Inspector shall also take the following Oath; to-wit:

I, A. B., do swear, That I will faithfully, impartially and diligently, execute the Office of Inspector; and that I will not for Favour, Affection, Prejudice, or Partiality, brand for any Person whatsoever, any Hemp, Flax, Flax Seed, or Barrel of Pork, Beef, Rice, Flour, Tar, Pitch, or Turpentine, Cask or Firkin of Butter, Barrel or Case of Indigo, or pass any Staves, Heading, Shingles, Lumber, tanned Leather or Deer Skins, other than such as are declared lawful by an Act of Assembly, intituled, An Act to prevent the Exportation of Unmerchantable Commodities, according to the Best of my Skill and Judgment. So help me God.

II. And be it further Enacted by the Authority aforesaid, That the Inferior Courts of the respective Counties shall be, and are hereby authorized and empowered, at any Time, to Discharge any Inspector from his said Office, who shall misbehave himself and act contrary to his Duty therein; the Party Complaining giving such misbehaving Inspector Ten Days' Previous Notice, in Writing, of the Complaint against him, with the Particulars thereof; and at the death or on the Disability of any of them, to appoint another, to succeed such Dead, disabled or Misbehaving Inspector: And if any such death should happen in the Vacation of such Courts, it shall be lawful for any Three Justices of such Court, whereof the Chairman or first in Commission who has qualified shall be one, to nominate and appoint some other fit and proper Person as Inspector, till the next succeeding Court for such County; or if any Inspector shall be rendered Incapable of performing his Duty by Sickness or other Accident, it shall then be lawful for the Inspector so disabled or rendered incapable of performing his Duty as aforesaid, by and with the Consent of Three Justices, to appoint some other Person as an Assistant during the said Inspector's Sickness or other disability; which Consent shall be certified under their Hands and lodged with the Clerk of the Inferior Court of the County wherein the Inspector resides; and the person so appointed shall take the same Oath as Inspectors appointed by the Courts, and the Inspector shall be liable to the same Fines

and Penalties for the said Assistant's bad Conduct and Misbehavior, as he is liable to for his own.

III. And be it further Enacted, by the Authority aforesaid, That the Places and Landings hereafter mentioned shall be, and are hereby appointed for the inspection of Hemp, Flax, Flax Seed, Pork, Beef, Rice, Flour, Indigo, Butter, Tar, Pitch, and Turpentine, Staves, Heading, Lumber, and Shingles; to which Places all of the said Commodities, before sold or exported, shall be brought, examined and inspected, according to the Directions hereinafter mentioned; That is to say, in New Hanover County, at the Town of Wilmington, New Exeter and New Topsail Sound. In Brunswick County, at the Town of Brunswick. In Onslow County, at Bear Inlet, New River, and Bogue Inlet. In Carteret County, at Beaufort Town, Fort-Point near Old Topsail, the Marsh at Newport Channel, Cole's Landing, Cedar Point, Harcor's Island, and Portsmouth. In Craven County, at New Bern Town, Club Foot's Creek, and Lower Broad Creek. In Beaufort County, at Bath Town, and James Bonner's. In Pitt County at William Spier's, Simpson's and Salter's. In Hyde County, at Woodstock Town, and Sylvester's Landing. In Tyrrel County, at Hog Town, Mill Landing, Gardener's, Daley's, Welch's Creek, Kindrick's Creek, Scuppernong River, Squawasque, Little Alligator, Richard Lurry's, Meacon's Landing, Hill's Landing, and Dawson's. In Chowan County, at Edenton, Old Town Landing, Bennet's Creek at the Bridge, and John Simon's Landing. In Bertie County, at Salmon Creek, Maul's Haven on Roanoke River, at William Gray's Landing, and at Cushie River. In Hertford County, at the Warehouse on Chowan River, Vaupelt's, Wyacon's Creek and Catharine's Creek, Hill's Ferry, Murphey's Landing, and Manney's Landing, Bennet's Creek Bridge, at Mount Sion, and Cotton's Ferry. In Northampton County, the Pitch Landing, Pace's Warehouse, Jones's Warehouse, and the Place where Ragland's Warehouse formerly stood. In Halifax County, at Whitmell Hill's Plantation, at Kahukey, Barnes Landing, Mr. Blake Baker's Landing, and the Town of Halifax. In Edgecomb County, at Howell's Warehouse. In Perquimans County, at Cyprus Bridge, at Hertford, Sander's Landing up the Narrows, John Barrow's, Yopim Creek, at Seth Sumner's Landing at Little River Bridge, Sanderson's Landing, Benjamin Harvey's Landing, at John Barcliff's on Deep Creek, at Captain Joseph Sutton's on Sutton's Creek. In Pasquotank County, at Nixonton, at McKeel's, at Newbegun Creek, at Windfield, at the Narrows of Pasquotank River, at the Mouth of the River, at Seaburn's Landing, North River, Plank Bridge on Sawyer's Creek, at Aranuse, and at River Bridge. In Currituck County, the South Side of Tulley's Creek Bridge, at Joseph Saunder's, at Moyock, at Indian Town Bridge, at Chiconocomick, at Thomas Paine's Landing, the Head of Tulley's Creek Bridge, at Etheridge's Creek, and Currituck Court House. In Dobbs County, at Dickson's and Kingston. In Cumberland County, at Campbleton.

IV. Provided nevertheless, That any Person or Persons having at any Landing which is not by this Act appointed a Place of Public Inspection, a Quantity of Merchandize for Exportation, and being desirous to ship the same directly on Board a Vessel for Exportation from such Landing, it shall and may be Lawful for such Person or Persons intending to ship and export the said Merchandise as aforesaid, to call any Inspector: who is hereby required to inspect and Brand the same, under the Rules and Directions herein Mentioned: Any Thing in this Act contained to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That where

any such Inspection shall be appointed by this Act to be held in any Town that sends a Representative to the Assembly, the Inferior Court of the County wherein such Town is, shall not nominate or appoint any other Inspector or Inspectors for any such Inspection, But such Person or Persons who shall, during his Continuance in said Office, reside in such Town.

VI. And be it further Enacted, by the Authority aforesaid, That no Master or Commander of any Ship or Vessel shall take on Board his Ship or Vessel, any such Cask or Barrel, or other Inspectable Commodity as aforesaid, without being inspected and branded as by this Act required, under the Penalty of One Hundred Pounds for each Offence; one Half to the Informer, and the other Half to the Church Wardens of the Parish wherein the Offence shall be committed, to the Use of such Parish; to be recovered with Costs, by Action of Debt, Bill, Complaint or Information, in any Court of Record having Cognizance thereof.

VII. And be it further Enacted, That no collector shall enter any Ship or Vessel before the Master or Commander of such Ship or Vessel shall have taken the following Oath; to-wit: You shall swear, that you will not this present Voyage, export in the Ship or Vessel whereof you are Commander or Master, any Hemp, Flax, Flax Seed, Barrel of Pork, Beef, Rice, Flour, Cask or Firkin of Butter, Tar, Pitch, or Turpentine, that shall not have an Inspector's Brand thereon; or any tanned Leather or Deer Skins, without an Inspector's Stamp thereon, according to law, (except such as shall be necessary for the Vessel's Use. So help you God.

Which Oath the Collector of the Port, or his Deputy, is hereby required and impowered to administer; and shall and may take and receive of such Master for administering the said Oath, One Shilling, Proclamation Money; neither shall any Collector clear out any Ship or Vessel, until the Master shall produce a Certificate or Certificates from under the Hands of the Inspector or Inspectors, of his Cargo's being inspected, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt in any Court of Record having Cognizance thereof, by the Church Wardens of the Parish where such Offence shall be committed, for the Use of such Parish. And in Case any of the said Commodities have been put on Board any Ship or Vessel without being first Inspected as this Act directs, it shall and may be lawful for any Two Magistrates or Justices, on Information made to them, on Oath, to issue a Warrant directed to the Sheriff, or any Constable of any County wherein such Vessel shall be, to cause search to be made on Board such Ship or Vessel; and on Finding any such Commodities not Inspected according to the Intent and Meaning hereof, the same shall be forfeited, and applied as hereinafter directed.

VIII. And be it further Enacted, That every Collector, or his Deputy, shall grant a Certificate to the Master or Commander of any Ship or Vessel, of his having taken such Oath, under the Penalty of Ten Pounds for each Neglect or Refusal; to be recovered by Bill, Complaint, or Information, in any Court of Record in this Province; the one Half to him or Them who shall sue for the same, the other Half to the Church Wardens, for the Use of the Parish where such Offence shall be committed; for which Certificate the Collector shall and may receive Two Shillings and Eight Pence.

IX. And be it further Enacted, That every such Inspector shall constantly attend at the Places for which he shall or may be appointed, at such Times as required, for the Inspection of the said Commodities within his District, and shall provide an Iron to Brand any of the Commodities, bearing the Name of the Inspector, and his Place of Residence; And if any Inspector so appointed and Sworn shall neglect his Duty, or Brand or Stamp any of the Commodi-

ties contrary to this Act, or Brand any empty Barrel, or lend his Brand to any Person or Persons whatsoever, he shall forfeit and pay, for every Truss or Bundle of Hemp or Flax, and for every Cask of Flax Seed, and for every Barrel, Box or Case of Indigo, Five Pounds; for every Barrel of Pork, Beef, Rice, Flour, Cask or Firkin of Butter, Three Pounds; for every Barrel of Tar, Pitch or Turpentine, Ten Shillings; and for Branding any Empty Barrel, or lending his Brand, Forty Pounds, Proclamation Money; to be recovered by Action of Debt, before any Jurisdiction having Cognizance thereof, with Costs by the Informer; And every other Person or Persons that shall, by any Ways or Means, Brand, or procure to be Branded, any Truss or Bundle of Hemp or Flax, any Cask of Flax Seed, or Barrel or half Barrel, Cask, Firkin, half Firkin, Box or Case as aforesaid, than by the Inspector, or by his Assistant, he or they so offending shall forfeit and pay, for such Offence, the same Fines and Penalties as Inspectors are by this Act liable to pay for Breach of their Duty or Misbehavior.

X. And be it further Enacted, by the Authority aforesaid, That all Pork or Beef, Packed within this Province for Sale or Exportation, shall be put in good and sufficient white Oak Casks, which shall not contain more than Thirty One Gallons and an Half, Wine Measure each Barrel, and Fifteen Gallons and Three Quarts each Half Barrel; and all Barrels and Half Barrels shall be made of Timber seasoned at least Six Months after the Riving, the Staves not less than half an Inch Thick, when Wrought; the Heading not less than three Quarters of an Inch Thick and well dowed; Twelve good, substantial Hoops on each Cask, and the Whole to be tight, fit to hold Pickle, and Workmanlike, and shall contain at least Two Hundred and Twenty Pounds of good, clean, sound, Merchantable Meat, properly sorted, and well salted, with a sufficient quantity of Salt to each Barrel and nailed and packed, and no more than Two Heads, in one Barrel of Pork, and not any Boar's Flesh in any Barrel of Pork, or any Heads, Bull's Flesh, or more than Two Shanks in any Barrel of Beef: And every Cask of Rice shall be filled with sound and well-cleaned Rice; and after the same has been inspected, found good and Merchantable, and passed by the Inspector, every such Barrel shall be by him branded as aforesaid, and a Certificate or Certificates thereof given to the Owner, bearing Date, in Words at Length, the same Day such Commodity or Commodities were inspected and passed; And every Barrel of Pitch or Turpentine shall contain Thirty One Gallons and an Half, and be well filled, free from any fraudulent Mixture, and in good and sufficient Casks, and well hooped with Twelve good Hoops at least, and before it be branded by the Inspector, shall be weighed in his presence; and every Three Hundred and Twenty Two Pounds Weight of such Pitch or Turpentine, including the Cask, and so in Proportion, shall be accounted a Lawful Barrel of Pitch or Turpentine: and if any Pitch or Turpentine shall be found by the Inspector to be fraudulently Mixed, the same shall be condemned and forfeited to the Use of the Parish where the same shall be, and may, by the Church Wardens thereof, be cleansed and sold for such Use; And every Barrel of Tar shall be the Gauge of Thirty One Gallons and an Half, Wine-Measure, and hooped with Twelve Hoops at least; and every Barrel of Tar of less Size, or in Bad and insufficient Casks, fewer than Twelve Hoops, shall be put in merchantable Order, at the expence of the Owner; and when full Bound, no more than One Third Part of the Staves shall be left bare; and every Barrel of Pitch, Tar and Turpentine, after the same shall be inspected, gauged, found clean, well filled and truly made merchantable, and passed by the Inspector, shall be by him branded.

XI. And be it further Enacted, by the Authority aforesaid, That every

Maker of Pitch, Tar or Turpentine, shall mark or Brand, or cause to be marked or branded, every such Barrel of Pitch, Tar or Turpentine, with the Initial Letters of his or her Name; and every Inspector shall keep a Book for Beef, Pork, Rice, Pitch, Tar and Turpentine; in which shall be fairly entered, the Maker's Name and Mark, the Number of Barrels landed, the Number of Barrels inspected of the same Mark, the Merchant's or Shipper's Name causing the same to be inspected, and the Time of Inspection; and shall give a Certificate of any Parcel to any Person requiring the same, on Payment of One Shilling: And any Person failing or neglecting to mark or brand his, her or their Casks, according to the Directions of this Act, shall pay One Half Penny per Barrel, to the Inspector, for marking the same with the initial Letters of the Maker's Name; which Fee shall be payed by the Person paying the Fees of Inspection, and by him may be charged to the Maker.

XII. Provided always, That if any Tar, Pitch or Turpentine shall remain Twenty Days or More, after the same has been inspected and passed, in Manner aforesaid, before the same shall be laden or put on board some Ship or Vessel for Exportation, it shall not be lawful for the Exporter to lade or put the same on Board any Ship or Vessel as aforesaid, until the same shall have again been inspected and passed by the Inspector, and Certificate or Certificates granted for the same, in the same Manner as if such Commodities had never been inspected; any Thing herein contained to the contrary notwithstanding. And every Person who shall Presume to lade or put on Board any Ship or Vessel, any Tar, Pitch, or Turpentine, for Exportation as aforesaid, at any Time after the Expiration of Twenty Days, from the Time that the same shall have been viewed and inspected as aforesaid, shall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every such Barrel so laden or put on Board any Ship or other Vessel: To be recovered by Action of Debt with Costs; One Half to the Informer, and the other Half to the Use of the Parish wherein such Offence shall be committed, before any Jurisdiction, having Cognizance of the Sum or Sums of Money so forfeited; and the Master or Commander of such Ship or Vessel shall be liable to the same Penalty as for lading Beef, Pork, Rice, Tar, Pitch or Turpentine, without being branded; and the Justices or Collectors shall, and are hereby required, to use the same Method of Proceeding to compel the Payment of the said Penalty, as in that Case is directed to be observed. And as forasmuch as it is difficult, in Warm and rainy Weather, to separate Tar from Water, It is hereby declared, That Water shall not be accounted a fraudulent Mixture in any Tar; but, that in such Cases, the Barrel shall not be branded by the Inspector, until the same is as free from Water as it can be made: Any Thing herein contained to the contrary, notwithstanding.

XIII. And whereas Pork, Beef, Rice, Flour, and Butter, may by Reason of its being long Kept, become not good, sound and Merchantable; Be it further Enacted by the Authority aforesaid, That none of the said Commodities shall be laden or put on Board any Ship or Vessel, if the same have been kept Sixty Days after they have been inspected, until the same have been again inspected, and passed by the Inspector, and Certificate or Certificates granted, in the same Manner as if such Commodities had never been inspected: Any Thing herein contained to the contrary notwithstanding.

And every Person who shall presume to lade or put on Board, or cause to be laden or put on Board any Ship or Vessel, any Pork, Beef, Rice, Flour or Butter for Exportation as aforesaid, any Time after the Expiration of Sixty Days from the Time that the same shall have been viewed and inspected

as aforesaid, shall forfeit and pay the sum of Three Pounds, Proclamation Money, for every such Barrel of Pork, Beef, Rice, Flour, and Cask or Firkin of Butter, so laden or put on Board of any Ship or other Vessel; to be recovered by Action of Debt, with Costs; one Half to the Informer, and the other half to the Use of the Parish wherein such Offence shall be committed, before any Jurisdiction, having Cognizance of the Sum or Sums so forfeited; and the Master or Commander of such Ship or Vessel shall be liable to the same Penalty as for lading Pork, Beef, Rice, Flour, or Butter, without being branded, and the Justices and Collector shall, and are hereby required to use the same Method of Proceeding to compel the Payment of the said Penalty, as in that Case is before directed to be observed.

XIV. And whereas also, it is difficult for Merchants and other Persons buying quantities of Pork and Beef, to get good Casks to put it in: It is hereby Enacted, That from and after the passing of this Act, no Cooper or other Person whatsoever, making Casks, shall expose to Sale any Barrel or half Barrel for the holding of Pork or Beef, other than such as are by this Act directed to be made for that Use: and every Cooper or other Person making Barrels or half Barrels, before they deliver or expose the same to Sale, shall set his or their proper Brand upon every Barrel or Half Barrel; which Brand he or they shall cause to be recorded in the Office of the Clerk of the Court of the County where he or they shall reside; And every Cooper or other Person exposing to Sale any Cask not agreeable to the Directions of this Act shall, for every such Cask forfeit and pay Six Shillings and Eight Pence, Proclamation Money; and for not recording his Brand, the Sum of Five Pounds, Proclamation Money; one Half to the Church Wardens, for the Use of the Parish where the Offence shall be committed, and the other Half to him or them that shall sue for the same; to be recovered before any Jurisdiction having Cognizance thereof, with Costs, provided the same be sued for within Six Months after the Offence committed.

XV. And be it further Enacted, by the Authority aforesaid, That every Seller or exporter of Hemp, Flax, Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch or Turpentine, packed or filled in this Province and branded shall produce the Certificate of the Inspector who inspected the same, and make Oath, or if one of the People called Quakers, then an Affirmation, if required before a Justice of the Peace, on delivery of the Goods sold or exported that the several commodities intended by him to be sold are the same that were inspected and passed, and do not contain the full Quantity mentioned in such Certificate, without embezzlement, to his knowledge; which Oath or Affirmation the Justice shall and is hereby required to certify on the Back of such Certificate; which Certificate the Seller shall deliver to the Buyer, if such Commodities be sold, and the Person exporting such Commodities shall deliver such Certificate to the Master of the Ship or Vessel on Board which the same shall be shipped or laden; and if such Seller or Exporter shall neglect or refuse to make Oath or Affirmation, if required, he shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money, to the Informer; to be recovered with Costs, in any Court of Record, by Action of Debt, Plaint, Bill or Information.

XVI. And be it further Enacted, by the Authority aforesaid, That it may be lawful for every Inferior Court within this Province wherein there are not Public Warehouses by Law erected for the reception and inspection of Tobacco at the Expence of such County to erect or rent a Warehouse, at or near some Public Landing, on a Navigable River or Creek, for the Reception, Inspection, and safe keeping of all Indigo at any Time hereafter to be paid or tendered in payment of Public, County or Parish Taxes; and

shall appoint and direct at what Time the Inspector or Inspectors shall attend to inspect and receive the same; and every Inspector that shall be appointed by Virtue of this Act, shall find Laborers equally with the Owner to assist in weighing the several Commodities he shall inspect and weigh, and also, shall find and provide proper Steelyards or Scales, of the Lawful Standard for that Purpose.

XVII. And be it further Enacted by the Authority aforesaid, That all Indigo paid in Discharge of Public, County or Parish Taxes, by Virtue of any Law of this Province, shall be first brought to one of the Public Warehouses appointed by Act of Assembly for the Inspection of Tobacco, to be erected or rented by Virtue of this Act as aforesaid, and there inspected; and any Inspector of the County wherein such Warehouses are appointed, or shall be erected or rented as aforesaid, on Notice given, shall attend according to the Directions of the Inferior Court, and carefully view and examine all such Indigo, and if it is dry, free from Dust, Sand and every fraudulent mixture, and is, in the opinion of such inspector, good and merchantable, and such as will intitle the Exporter thereof to the Bounty allowed by Act of Parliament, such Inspector shall weigh the same, and be obliged to deliver to the Person or Persons bringing the same, as many promissory Notes, under the Hand of such Inspector, as he shall be required, for the full Quantity of Indigo received by him; which Indigo such Inspector shall carefully secure in Barrels, Boxes or Cases; and the said promissory Notes are hereby declared to be current and transferable in Payment of all Public, County and Parish Taxes, at the rate or Price of Four Shillings Proclamation Money, per Pound, and shall be paid and satisfied by such Inspector who signed the same, upon Demand; And every such Inspector shall be obliged, and is hereby required, to pack and secure all Indigo by him received, in Barrels, Boxes, or Cases; and for every Barrel, Box, or Case, by him paid away in Discharge of any Promissory Note or Notes by him given, and containing Two Hundred Pounds Weight, Nett, and Branded with the Gross, Tare, and Nett Weight, and Name of the Inspector, and nailed and secured fit for shipping, there shall be paid, by the Person receiving the same, the Sum of Five Shillings and Six Pence, to the Use of such Inspector, and so proportionably for Barrels, Boxes, or Cases, containing less; and such Inspector shall also have an allowance of Three per cent for all Indigo he shall pay away in Discharge of any such Note or Notes, for Shrinkage and Waste; and if any Inspector by whom such Note shall be given, shall refuse or delay to satisfy the same when demanded, he shall forfeit and pay for every such Refusal or Neglect, the Double Value of such Indigo so refused or neglected to be paid; to be recovered before any Jurisdiction having Cognizance thereof, with Costs, to the Use of the Party grieved.

XVIII. And be it further Enacted, That no Tender of Public, County or Parish Taxes, in Indigo, shall be accounted lawful, unless the Payment of the same, be tendered in Inspectors' Notes as aforesaid; or unless each Payment shall be tendered on or before the Tenth Day of March, in the Year that they are or shall be payable.

XIX. And be it further Enacted, That when any Indigo shall be brought to any inspection, and shall be refused by the Inspector there officiating, the Owner shall immediately sort and separate the bad and unmerchantable from such as is by this Act declared to be good and merchantable, at the Warehouse where the same was refused, and the Inspector shall receive so much thereof as in his opinion is good and merchantable, and give a Note or Notes for the same.

XX. And be it further Enacted, That every Inspector who shall be ap-

pointed by Virtue of this Act to inspect Indigo, shall give constant attendance at the Times and Places by the Inferior Court Ordered and appointed, under the Penalty of forfeiting to the Party grieved, Five Shillings Proclamation Money, for every Day he shall fail or neglect to attend; to be recovered by Warrant, with Costs, before a Justice of the Peace; unless good Cause shewn for such Neglect or Failure.

XXI. And be it further Enacted, That if any Person or Persons shall sell or contract for any Indigo as good and merchantable, according to the Directions of this Act, and any Dispute shall arise between the Buyer and Seller, concerning the Quality of the Indigo offered and tendered in Discharge of such Contract, it shall and may be lawful for the Parties, or either of them, to call the nearest Inspector of the County wherein such Indigo is tendered or offered as aforesaid, who is hereby required to obey such Call, and inspect the same; and if it is in the opinion of such Inspector, good, merchantable, and of Quality to intitle the Exporter to the Bounty allowed by Act of Parliament he shall pass the same, or otherwise refuse it; and such Inspector shall be paid for his Trouble by the Party against whom he shall give Judgment, Five Shilling and Four Pence, Proclamation Money.

XXII. And be it further Enacted, by the Authority aforesaid, That if any Person whatsoever shall forge or Counterfeit any Note of any Inspector, or tender in Payment, or expose to Sale any such Forged or counterfeit Note, knowing the same to be such; or cause to be exported in Hemp, Flax, Flax Seed or Barrel of Pork, Beef, Rice, Flour, Butter, Tar, Pitch, or Turpentine, or Barrel, Box, or Case of Indigo, or expose the same to Sale, knowing the Brand thereon to be forged or counterfeited; or shall put or pack any Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, or Indigo, into any Barrel, Firkin, Box or Case, branded by any Inspector as aforesaid, on Purpose to evade this Act, and to sell or export such Commodity without being inspected; every Person so offending, and being thereof lawfully convicted before any Court of Record having Cognizance thereof, shall for the First Offence, by Order of such Court, have or receive on his or her Bare Back, Thirty-nine lashes, well laid on; and moreover shall suffer One Month's Imprisonment, without Bail or Mainprize; and for the second Offence, shall be adjudged guilty of Felony.

XXIII. And be it further Enacted, by the Authority aforesaid, That if any Inspector's Note as aforesaid, shall be casually lost, mislaid or destroyed, the Person or Persons entitled to receive the Indigo by Virtue of any such Note, shall and may go before any Justice of the Peace, and make Oath in the Manner by Law directed, concerning Inspectors' Notes or Receipts for Tobacco, being lost, mislaid or destroyed; and thereupon, shall have the like Remedy and Relief, and be subject and liable to the same Penalties and Punishments for making false Oath therein, or producing Forged Certificates, knowing the same to be forged, as Persons in the like Cases are by the said Law made liable and subject to.

XXIV. And be it further Enacted by the Authority aforesaid, That all Staves, Heading, Shingles, Boards, Plank, Joists, and Square Timber, which shall be sold or shipped on Board any Ship or Vessel for Exportation, shall be of the following Dimensions, otherwise shall not be deemed Merchantable, and shall be forfeited to the Use hereinafter mentioned; to-wit, Butt-Staves shall be Five Feet nine Inches Long, Four Inches Broad, and an Inch Thick on the Heart or thin Edge. Pipe-Staves Four Feet eight Inches Long, Four Inches broad, and Three Quarters of an Inch Thick on the Heart or Thin Edge. Hogshead Staves shall be Three Feet Six Inches long, Four Inches broad, and three Quarters of an Inch Thick on the Heart or thin

Edge. Barrel Staves shall be Two Feet Nine Inches Long, Four Inches Broad, and Three Quarters of an Inch thick on the Heart or thin Edge, for the European Market; and those to be exported to the Northern Colonies, only Thirty Inches long, and of the same Breadth and Thickness with those for the European Market. White-Oak Hogshead Heading shall be Thirty Two Inches Long, Six Inches Broad, and One Inch Thick on the Heart or thin Edge. Barrel Heading shall be Nineteen Inches Long, Six Inches Broad, and Three Quarters of an Inch Thick on the Heart or thin Edge. Shingles shall be Eighteen Inches and an half Inche long, Five Inches Broad, and Five Eighths of an Inch thick; Which said several Sorts and Kinds shall be of the Dimensions aforesaid, at the least, and well got, of good, sound, Merchantable Timber; and every Board, Plank Piece of Scantling, or other Square Timber, being marked with the Number of more Feet than they contain, shall be forfeited to the Church Wardens, for the Use of the Parish; and no Boards or Plank shall be deemed Merchantable, or passed by any Inspector, that is not free from any Split Twelve Inches long, has no edge less than half an inch thick, and is not free from Holes; That all Deer Skins that shall hereafter be exposed to Sale, shall be clean and Free from Flesh, and the Claws and Sculls taken therefrom, and otherwise merchantable. Provided nevertheless, That no Staves, Heading, Shingles, Boards, Plank, Square Timber, or Deer Skins, shall be inspected, unless required.

XXV. And be it further Enacted, That when any Dispute shall arise between the Buyer and Seller of any Staves, Heading, Shingles, Boards, Scantling, Plank or Timber, or Deer Skins, as aforesaid, in respect of the Quality, Dimensions and Quantity thereof; it shall and may be lawful for either Party to call on the nearest Inspector of the County: which call he is hereby required to obey, to view, inspect, and measure the same; and to pass so much thereof as he shall be of Opinion is good and Merchantable, according to the Directions of this Act, and to refuse the rest.

XXVI. And be it further Enacted, by the Authority aforesaid, That if any Inspector to be appointed by this Act, shall receive or take, directly or indirectly, any Fee, Gift, Gratuity or Reward whatsoever, of any Person, for resigning or giving up his Office of Inspector, he shall not only be forever thereafter disabled from holding or executing the said Office, but, for such Offence, shall forfeit and pay the Sum of Forty Pounds Proclamation Money: to be recovered with Costs, in any Court of Record, to the Use of the Informer, by Action of Debt, Bill, Complaint, or Information; and every Person offering and paying, directly or indirectly, any Gratuity or Reward whatsoever, to any Inspector to resign or give up his said Office shall for his said Offence, be forever disabled from holding the said Office of Inspector in this Province.

XXVII. And be it further Enacted, by the Authority aforesaid, That no Person holding any Post or Place of Profit by Deputation or otherwise, shall be appointed to the Office of Inspector, or shall, during his Continuance therein, be capable of being elected Member of the Assembly; and if any Member of Assembly shall accept of the said Office during his being such, he shall be, and is hereby declared from henceforth to be disabled to serve as a Member of Assembly, and shall not sit, vote or Act, in Assembly, but shall be to all Intents and Purposes, incapable, as if he had never been returned or elected a Member of Assembly; and if any Person shall be appointed to such Office, and shall accept of any Post or Place of Profit after such Appointment, he shall be rendered incapable to hold his said Office of Inspector and the Court shall proceed to appoint another Inspector in the Room of

such Person taking upon him such Post or Place of Profit, according to the Directions of this Act.

XXVIII. And be it further Enacted, by the Authority aforesaid, That every Inspector shall be intituled to the following Fees, to be paid in Proclamation Money; to-wit, For every Bushel of Flax Seed, One Penny; and for every Barrel of Pork or Beef, Eight Pence; and for every Barrel of Rice Inspected, Eight Pence; for every Barrel of Flour, Cask or Firkin of Butter, Four Pence; for every Barrel of Tar, Three Half-Pence; for every Barrel of Pitch or Turpentine, Two Pence; for every Thousand Staves or Heading, reckoning Six Score to the Hundred, One Shilling; for every Thousand Shingles, Four Pence; for every Thousand Feet, superficial Measure, of Boards, Plank and Scantling, One Shilling; for every Ton of other Lumber, One Shilling; for inspecting and weighing each Deerskin, One Half Penny.

XXIX. And be it Enacted, by the Authority aforesaid, That when any Hemp or Flax, tendered for Inspection, shall be found Merchantable by any Inspector appointed by Virtue of this Act, the Cultivator thereof, or his Assigns, complying with the other Regulations prescribed and directed in and by an Act passed in the Present Year One Thousand Seven Hundred and Sixty Four, intituled an Act, for encouraging the Culture of Hemp and Flax, and other Purposes, shall be intituled to the Bounty or Premium allowed thereupon by the said Act; which said recited Act is hereby declared to be in Force, in every Clause and Article thereof.

XXX. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of each and every Inferior Court within this Province, where there is not a Warehouse already built for the Inspection and safekeeping of Tobacco, and where the same shall be wanting or thought requisite, to lay such Tax on the Taxable Persons within their several Counties, as shall be thought sufficient for building such Warehouse; and shall and may cause the same to be done at such Place or Places as to them shall be deemed most convenient for the same; and appoint an Inspector for every such Warehouse; which Inspector shall be entitled to the same Fees, and liable to the Like Fines and Forfeitures, as other Tobacco Inspectors are by Virtue of the Laws of this Province.

XXXI. And whereas many Commodities not in this Act mentioned, may hereafter be exported out of this Province; Be it therefore Enacted by the Authority aforesaid, That whenever any Commodities herein mentioned, shall be exported out of this Province, the Inferior Courts within their respective Counties, shall regulate the Inspection thereof, and ascertain the Fees of the Inspector therein; and every Inspector refusing or Neglecting to observe such Regulation, or to take greater or other Fees than such as are appointed by his respective Inferior Court, shall be liable to the same Penalties as are by this Act mentioned for the Neglect or refusal of his Duty in Inspecting any of the Commodities herein particularly Mentioned.

XXXII. And be it further Enacted, by the Authority aforesaid, That the several Fines and Forfeitures by this Act inflicted, for which no method of Recovery or Application is hereinbefore directed, shall and may be recovered, with Costs, before any Jurisdiction having any Cognizance thereof; one Half to the Use of the Prosecutor, and the other Half to the County wherein such Penalty shall be incurred; to be applied by the Justices of the Inferior Court, towards lessening the County Tax.

XXXIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Five Years after the passing thereof, and from thence to the End of the next session of Assembly, and no longer.

CHAPTER VI.

An Act for regulating the Pilotage of Cape Fear River, and other Purposes.

I. Whereas the great Increase of the Trade of Cape Fear River, renders the Attendance of the Pilots at the Bar indispensibly necessary, for the safety of Vessels coming in and going out of the said River;

II. Be it Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the same, That the Honorable Lewis DeRosset, William Dry, Benjamin Heron, and Jacob Lobb, John DuBois, Caleb Grainger, Robert Ellis, and John Wilkinson, Esquires, be, and are hereby appointed Commissioners of the Pilotage of Cape Fear River; and they, or the Majority of them, are hereby authorized and impowered, from Time to Time, to examine such and so many Persons who shall offer themselves to be Pilots for Cape Fear aforesaid, not exceeding Twelve in Number.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, on their approving any Person to be Pilot, shall give to such Person a Certificate, under their Hands, to the Governor or Commander in Chief for the Time being, in order for his Approbation, and to obtain a Branch to act as Pilot for the said River.

IV. And be it further Enacted, by the Authority aforesaid, That every such person shall, before he obtains a Branch to be Pilot, give Bond, with Two Sufficient Securities, to the Governor or Commander in Chief for the Time Being, and his Successors, in the Sum of Five Hundred Pounds, Proclamation Money; with Condition for the Due and faithful Discharge of his Office; to be recorded and lodged in the Secretary's Office: Which Bond shall be in Trust for such Person or Persons as shall appear to be injured by such Pilot's Negligence or Non-Performance of the Condition of his said Bond; and shall be assigned to any Person or Persons so injured, petitioning for the same; who shall and may maintain an Action thereon; And such Bond shall not be void upon the First Recovery, or if Judgment shall pass for the Defendant, but may be put in Suit from Time to Time, by any Person who shall be injured by a Breach of the Condition thereof, until the whole Penalty of the Bond be recovered.

V. And be it further Enacted, by the Authority aforesaid, That upon the Misbehavior of any Pilot in his Office, the Commissioners aforesaid, or the Majority of them, shall, and they are hereby authorized and impowered, to remove such Pilot from his Office, by a Note in Writing, subscribed by them, or the Majority of them directed to such Pilot, signifying that he shall no longer act as Pilot; and to appoint another in his Stead, by Warrant under their, or the Majority of their respective Hands and Seals until the Pleasure of the Governor or Commander in Chief shall be known thereon.

VI. And be it further Enacted, by the Authority aforesaid, That any Number of Pilots, not exceeding Eight, may be appointed as aforesaid, to attend the Bar of the said River, and to Pilot Vessels coming up or going down from Brunswick, and no higher; who may take and receive, in Proclamation Money, the following Rates for such Service, for each Vessel they shall pilot over the Bar to Brunswick, and out again to sea, to-wit:

For every Vessell when loaded Six Feet Water, in and out from Brunswick only, the Sum of.....	£2.	0.	0.
For a Vessel drawing Seven Feet.....	£2.	5.	0.
For a Vessel drawing Eight Feet.....	£2.	10.	0.
For a Vessel drawing Nine Feet.....	£3.	0.	0.

For a Vessel drawing Ten Feet.....	£3.	10.	0.
For a Vessel drawing Eleven Feet.....	£4.	10.	0.
For a Vessel drawing Twelve Feet.....	£5.	10.	0.
For a Vessel drawing Thirteen Feet.....	£6.	0.	0.
For a Vessel drawing Fourteen Feet.....	£6.	10.	0.
For a Vessel drawing Fifteen Feet.....	£7.	0.	0.
For a Vessel drawing Sixteen Feet.....	£7.	10.	0.
For a Vessel drawing Seventeen Feet.....	£8.	0.	0.

VII. And be it further Enacted by the Authority aforesaid, That any Number of Pilots, not exceeding Four, may be appointed as aforesaid, to Pilot Vessels from Brunswick to Wilmington; who shall and may receive, in Proclamation Money, the following Rates: if from Brunswick to Wilmington, and back again to Brunswick, one half of the aforesaid Rates; if to the Flats, and back again to Brunswick, one Fourth of the aforesaid Rates, according to the Draught of Water such Vessel shall Draw.

VIII. And be it further Enacted, by the Authority aforesaid, That no Pilot shall presume to take any greater Fees than aforesaid, under the Penalty of Ten Pounds Proclamation Money; to be recovered by Action of Debt by any Person suing for the same, in any Inferior Court in New Hanover, or Brunswick County; one Half to the Informer, the other Half to the Governor, or Commander in chief for the Time being; to be applied towards erecting Beacons and Buoys, and keeping them in Repair.

IX. And be it further Enacted by the Authority aforesaid, That if any Vessel shall come over the Bar before a Pilot gets on Board the same, the Master of such Vessel shall not be liable to pay more than one Half of the said Pilotage allowed by this Act, for bringing Vessels from the Bar to Brunswick, unless such Pilotage shall make Oath, that he did his utmost Endeavors to get such Vessel before she came over the Bar; any Thing herein contained to the contrary, notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That if any Pilot should wilfully neglect his Duty, on Complaint and Conviction before any Justice of the Peace, he shall be fined Twenty Shillings Proclamation Money for the Use of the Informer, and be further liable to all Damages that may be sustained; to be recovered by the Party aggrieved, before any Jurisdiction having Cognizance thereof.

XI. And be it further Enacted, by the Authority aforesaid, That the Master or Commander of any Vessel, who shall send for, or take on Board a Pilot to conduct such Vessel from one Place to another in the said River, and shall afterwards delay transporting the said Vessel (Wind and Weather permitting), the Master or Commander thereof, shall pay unto the Pilot attending Eight Shillings Proclamation per Diem, for each and every Day he shall be so Detained.

XII. And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, shall affix a true Copy or Table of the several Rates of Fees aforesaid, to be taken by the Pilots, at the Collector's Office, Naval Office, and Fort Johnston, that the Masters of Vessels and others concerned, may have Recourse thereto.

XIII. And whereas it is highly expedient to prevent any Contagious, pestilential or Malignant Distemper from being brought into the said River; Be it Enacted, by the Authority aforesaid, That the Commander of Fort Johnston for the Time being, shall be, and is hereby authorized and empowered, to bring too all Vessels bound inwards; and to oblige the Master of such

Vessel to come on Shore into the said Fort, and take an Oath concerning the Health of all such Persons as shall be on board his said Vessel and whether there was any contagious or Infectious Distemper at the Place from whence he last came; which said Oath, the Commander of the said Fort is hereby impowered to administer: And if it shall appear in such Oath that any Person on board the same is distempered or that there is reason to suspect that any person on board is infected with Small-Pox, or other contagious Disorder the Commander of such Fort is hereby impowered and directed to oblige the Master of such Vessel to Moor his said Vessel as near Battery Island, opposite the said Fort, as the safety of the said Vessel will permit; and to prevent any Person going to, or coming from such Vessel (Persons carrying Provisions to such Vessel, only excepted), until he hath lain and performed Forty Days Quarantine, or be permitted thereto, by Order from the Governor, or Commander in Chief, or Three Justices of the Peace for the Counties of New Hanover or Brunswick.

XIV. And be it further Enacted, by the Authority aforesaid, That in Case no Person should be distempered on Board, or that the Commander of the Fort for the Time being, hath no just Reason to suspect any Person in the said vessel to be infected with the Small-Pox, or other contagious Disorders, then the Commander of the said Fort shall give a Bill of Health, and Permission to pass by the said Fort, directed to the Collector or other Chief Officer of the Customs; and the Commander of the said Fort for the Time Being, shall and may have and receive from the Master of such Vessel, the Sum of Five Shillings Proclamation Money, for administering the said Oath, and signing a Bill of Health.

XV. And be it further Enacted, by the Authority aforesaid, That if the Master of any Vessel ordered to be Moored as aforesaid, or being Moored by Order of the said Commander of the said Fort, shall presume to come on Shore or suffer any Person to come on Shore, from on Board such Vessel, except on Battery Island, such Master shall forfeit and pay the Sum of Five Hundred Pounds Proclamation Money, to be recovered by Action of Debt, in any Superior Court of Justice within this Province, by the Commissioners of the said Fort for the Time being; one Fourth of which to the Use of the Informer, the other Three Fourths to the Commissioners of the said Fort, for maintaining and keeping the same in Repair.

XVI. And be it further Enacted, by the Authority aforesaid, That the Collector and Naval Officer, and each of them, is, and are hereby forbid to admit any Vessel to an Entry, until such Bill of Health and Permit, signed by the Commander of Fort Johnston for the Time being aforesaid, be delivered to him or them by the Master of such Vessel, or some Person in his Behalf, under the Penalty of One Hundred Pounds Proclamation Money, to be recovered by Action of Debt, in any Superior Court of Justice in this Province, by the Commissioners of the said Fort for the Time Being; to be applied toward keeping the said Fort in Repair.

XVII. And be it further Enacted, by the Authority aforesaid, That where any vessel shall have performed Quarantine, the Master of such Vessel shall, before he be permitted to enter his said Vessel, wash the hole of the said Vessel with Vinegar, and smoke the same with Brimstone.

XVIII. And whereas several of the Inhabitants of Cape Fear River, and Pilots, have been greatly injured by Masters of Vessels carrying Negroes and Servants out of this Province, and by departing themselves without paying their Pilotage; Be it therefore Enacted by the Authority aforesaid, That, all Bonds taken from Masters of Vessels, by Virtue of an Act, intituled, An Act for entering of Vessels, and to prevent the Exportation of Debtors, shall have

further Conditions added thereto, to the following Purpose; that is to say, That the Master giving such Bond, shall not transport or carry off any Negro Slave or Slaves, Servant or Servants, belonging to any Inhabitant or Inhabitants of this Province, and shall not Depart the Port without paying Pilotage, according to Law; and in Case of a Breach of the Condition or Part thereof, hereby directed to be inserted in the said Bond, the Master and his Securities, or either of them, shall be liable to the Penalties thereof, in the same Manner as in Case of the Breach of any other Part of the Condition of the said Bond.

XIX. Whereas the erecting Beacons and Buoys at the Mouth of Cape Fear River would greatly facilitate the Navigation thereof, Be it further Enacted, That a Duty of Six Pence per Ton be, and is hereby laid on all vessels coming into the Port of Brunswick to unload Goods, other than such as belong to an Inhabitant of this Province, for and during the Term of Three Years, next after the passing of this Act; which Duty John Paine, Esq., is hereby empowered to receive, after having given Bond, with sufficient Securities, to the Governor or Commander in Chief for the Time being, in the Sum of One Thousand Pounds Proclamation Money, conditioned, that he will well and truly account with, and pay to the said Commissioners, or their Order, when thereto required, all such Sums of Money as he shall receive by Virtue of this Act, first deducting Five per cent. for receiving the same; and in Case of a Breach of the Condition of the said Bond, the same may be put in Suit, and the Monies recovered thereon shall be applied to the purposes for which the above Duty is Laid; which Bond shall be recorded and Lodged in the Secretary's Office; and the said Monies arising on the Duty aforesaid, shall, by the said Commissioners, be applied to the erecting Beacons and Buoys as aforesaid.

XX. And whereas it happens that Vessels bound into the River aforesaid often come on the Coast in thick Weather, and frequently Fire Guns to acquaint the Pilots of their being on the Coast; Be it therefore Enacted, That the Commander of the said Fort, for the Time Being, shall, and he is hereby required to answer such Vessels, by firing one or more Guns, not exceeding Three; and the Commander of the said Fort shall forthwith give Notice to the Pilot or Pilots, of such Vessel being on the Coast; and if such Pilot shall not forthwith go out to such Vessel (Wind and Weather permitting), such Pilot shall forfeit and pay the Sum of Five Pounds, Proclamation Money, for every Neglect; to be recovered before any Jurisdiction having Cognizance thereof, by the Commander of the Fort; one Half to the Informer, the other Half to the Commissioner of the said Fort; to be applied to the Use of the said Fort.

XXI. And be it further Enacted by the Authority aforesaid, That in Case of the Death, Refusal to Act, or Removal out of the County, or other Disability of any of the said Commissioners, it shall and may be lawful for the remaining Commissioners, or the Majority of them, and they are hereby directed to elect another in the Room of such Commissioner, having due Regard to his Place of Residence, so as One Half of the Commissioners be on the East side of the River, and the other Half on the West Side; which Commissioner so elected shall be, and is hereby invested with all the Power and Authority of any Commissioner hereinbefore Named.

XXII. And be it further Enacted, by the Authority aforesaid, That so much of an Act, intituled, An Act for Regulating the Pilotage of Cape Fear River, and to empower the Captain of Fort Johnston, at the Mouth of the said River to examine all Vessels entering the said River, concerning the

Health of their Crews on Board the said Vessels, as is within the Purview of this Act, is hereby repealed and made void.

CHAPTER VII.

An Act for regulating Proceedings in the Court held for the Borough of Wilmington.

I. Whereas his present Majesty, by his Royal Charter, bearing Date the Fifth Day of March, in the Year of our Lord 1763, hath been graciously pleased to constitute the Town of Wilmington, with the Precincts and Liberties thereof a Borough, by the Name of the Borough of Wilmington; and among other privileges, hath impowered the Mayor, Recorder and Aldermen, of the said Borough, and their Successors forever, or any Three of them, whereof the Mayor or Recorder to be One, to hold a Court within the said Borough every Two Months with Power to hear and determine all Suits, Matters and Things, brought before them, where the cause of Action between Persons resident in the said Borough, and transient Persons not residing in the Province, shall arise within the said Borough, or the liberties thereof; and where the Debt or Damages shall not exceed Twenty Pounds Proclamation Money, and holding said Courts Regularly, will tend greatly to promote the Trade and Commerce of the said Borough:

II. Be it therefore Enacted, by the Governor, Council and Assembly, and it is hereby Enacted, by the Authority of the same, That the said Mayor, Recorder, and Aldermen, and their Successors forever, or any Three of them, whereof the Mayor or Recorder to be one, shall and may, and are hereby authorized and impowered, to hold the said Courts on the Days and Times in the said Charter for that Purpose Mentioned, and to take Cognizance, and hear and determine all Suits, Matters and Things brought before them, by Writ, Petition, Summons or other Process, where the Cause of Action or Suit shall arise within the said Borough, or Liberties thereof, and where the Debt, Damages, or Cause of Action, shall not exceed Twenty Pounds, Proclamation Money: and to award Execution thereon.

III. Provided always, That no suit shall be brought in the Court of the said Borough, for any Debt contracted before the passing of this Act; any Thing herein contained to the Contrary, notwithstanding.

IV. And provided also, That if any Person or Persons shall be dissatisfied with the Judgment of the said Court, he may appeal therefrom to the Superior Court of the District of Wilmington; which appeal shall be granted under the like Rules and Restrictions, and taken Cognizance of by the Superior Court, in the same Manner as appeals granted from other Inferior Courts in this Province.

V. And be it further Enacted, by the Authority aforesaid, That the said Court in taking Cognizance of, issuing Process, hearing and determining, rendering Judgment and awarding Execution, in any Suit, Matter or Thing, commenced or prosecuted therein, shall and may use and exercise the same Powers and Authorities, and are hereby required and directed to observe the like Proceedings, Rules, Methods, and Regulations, that are or may be put in Practice and observed by the respective Inferior Courts within this Province, in Suits commenced and prosecuted in any of the said Courts.

VI. And be it further Enacted, by the Authority aforesaid, That the said Courts to be held for the said Borough, or Proceedings therein depending shall not be discontinued for or by Reason of the said Mayor, or Recorder

and Aldermen, failing to hold the same on the Days by the said Charter appointed; but in such Case, all Process, Matters and Things therein depending, shall stand continued, and all appearances, on the Returns of Process, shall be made to the next succeeding Court in Course.

VII. And be it further Enacted, by the Authority aforesaid, That all Writs, Summonses, and other Process whatsoever, issued out of the said Court, shall bear test of the Mayor of the said Borough, and be signed by the Clerk of the said Court, and be directed to the Bailiff of the said Borough for the Time being to execute; and the said Bailiff shall have Power, and is hereby directed and required, to execute every such Process, agreeable to the Rules and Restrictions by Law required to be observed by Sheriffs in executing Process issueing from the Inferior Courts of Pleas and Quarter Sessions in this Province, and shall be subject to the like Penalties, Remedies, and Relief, for neglect of Duty therein, as any of the said Sheriffs are liable to.

VIII. And be it further Enacted by the Authority aforesaid, That the Clerk of the said Court to be held for the said Borough, before every Court, shall issue a Venire Facias, directed to the Bailiff of the Borough of Wilmington, requiring him to summon Twelve Freeholders, residing within the said Borough, or the liberties thereof, to appear at the said Court to serve as petit Jurymen, who being so summoned and appearing, shall, and are hereby declared to be a legal Jury, and to try Issues and other Matters in the said Court Depending, proper for the Enquiry of a Jury; and every Juryman being summoned and failing to appear, may be fined by the said Court; a Sum not exceeding Three Pounds Proclamation Money, for his Neglect; to be applied to the Use of the said Borough.

IX. Provided always, That if the Bailiffs shall fail to summon Twelve Freeholders to serve as Petit Jurors as aforesaid, or any of the Freeholders so summoned shall fail to attend, it shall and may be lawful for the said Court to order and direct the Bailiff to summon of the Bystanders other Persons to serve as Jurymen; and the Persons so summoned, shall be deemed and held lawful Jurymen; and every Person so summoned of the Bystanders who shall fail to appear and serve as a Juryman, shall be fined a Sum not exceeding Twenty Shillings; unless he can shew sufficient Cause, to be admitted by the Court; which Fine shall be applied as other Fines by this Act directed.

X. And whereas the said Mayor and Aldermen are, in and by the said Charter impowered and authorized, for the good Government and Public Service of the said Borough, to impose certain Fines and Taxes upon the Inhabitants thereof; Be it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful for the Bailiff of the said Borough, upon proper Process to him directed, to levy all such Fines and Taxes as by the said Mayor, Recorder, Aldermen and Freeholders, shall be set and assessed.

XI. And whereas there is at present no Court House and Gaol for the said Borough; Be it therefore Enacted, by the Authority aforesaid, That it shall and may be Lawful for the Mayor, Recorder, and Aldermen of the said Borough, to make Use of the Court House, Prison, Pillory and Stocks of New Hanover County, till such Time as a Town Hall, Prison, Pillory, and Stocks for the Use of the said Borough be erected; Provided, that such shall not be had wherein to interfere with the Business of New Hanover County.

XII. And be it further Enacted, by the Authority aforesaid, That the said Mayor, Recorder and Aldermen, are hereby required and impowered, to nominate Surveyors of the Streets, Public Wharves, Docks and Roads

within the said Borough, and to appoint Persons to work thereon, under the same Regulations and Penalties, and with the same Powers and Authorities, as by the Laws of this Province the Justices of the several Inferior Courts are empowered and required to order and regulate Working on the Public Roads within their several Counties.

XIII. And be it further Enacted by the Authority aforesaid, That so much of an Act intituled, An Act for the Regulation of the Town of Wilmington, as relates to the Appointment of Commissioners for the said Town, is, from henceforth, repealed and made void.

XIV. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term and Space of Two Years, from and after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER VIII.

An Act to amend An Act therein mentioned, concerning Servants and Slaves.

I. Whereas by the Fourth, Fifth, and Sixth Sections of an Act of Assembly of this Province, passed in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, intituled, an Additional Act to an Act intituled, An Act concerning Servants and Slaves, it is Enacted, That no male Slave Shall, for the First Offence, be condemned to Death, unless for Murder or Rape; but for every other Capital Crime, shall, for the First Offence, suffer Castration; and that the Court trying such Slave shall value the same:

II. Be it Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the same, That the said Fourth, Fifth, and Sixth Sections of the aforesaid Act be, and are hereby, repealed and made void.

III. And be it further Enacted by the Authority aforesaid, That there shall not be allowed by the Public to the Owner of any Slave who shall hereafter be executed in Virtue of the Judgment of the Court who shall try such Slave, any larger Sum than Eighty Pounds, Proclamation Money; any Law, Usage, or Custom, to the Contrary notwithstanding.

CHAPTER IX.

An Act to prevent hunting for, and killing Deer in the Manner therein mentioned.

I. Whereas many Persons do, under a Pretence of hunting for Deer in the Night-time, by firelight, kill and Destroy Horses and Cattle, to the great Prejudice of the Owners: To prevent Which for the Future,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person shall be discovered Hunting, with a Gun in the Night Time by Fire Light, such Person shall forfeit and pay, for every Offence, Forty Shillings, Proclamation Money, to be recovered, by any Person who shall sue for the same, before any Jurisdiction having Cognizance thereof, with Costs.

CHAPTER X.

An Act for enlarging the Time for saving Lots in the Town of Halifax, and other Purposes.

(Printed in Private Acts, *post.*)

CHAPTER XI.

An Act to encourage and impower William Dry to make a Public Road through the great Island opposite to the Borough of Wilmington.

(Printed in Private Acts, *post.*)

CHAPTER XII.

An Act to confirm the Vestry already chosen for the Parish of St. John, in the County of Bute; and to enable the Freeholders of the Parishes within the Counties of Pasquotank, Anson, and Currituck, to elect Vestrymen.

I. Whereas it hath been represented that the Manner of Carrying on and conducting the Election of the Vestry in the Parish of St. John aforesaid, was irregular, and not agreeable strictly to the words of the Act of Assembly appointing Vestries; by which means its existence as a Vestry has been called in Question, so that much disquiet and many Law Suits may arise, unless timely prevented:

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the same, and it is hereby Declared, That the Vestry already chosen, elected and sworn, for the said Parish of St. John, in the County of Bute, be deemed taken, and esteemed a true and lawful Vestry, and vested with all powers of other Vestries duly chosen under an Act, intituled, An Act concerning Vestries.

III. And whereas the Law concerning Vestries, did not come in Time to the Hands of the Sheriffs of Pasquotank, Anson, and Currituck, to enable them to summons the Freeholders to elect Vestries in each of the Parishes within the said Counties by which means Parochial Business remains wholly suspended therein; Be it therefore further Enacted, by the authority aforesaid, That the Sheriffs of Pasquotank, Anson, and Currituck, on Easter Monday next, shall proceed, after having given the Freeholders of their several Counties Thirty days' Notice to elect and Choose Twelve Vestrymen, according to the Rules, Limitations, and Restrictions, of an Act intituled, An Act concerning Vestries; and when the Vestries shall be accordingly chosen and sworn, they shall be deemed, taken, and esteemed lawful Vestries, until a Re-election, according to the Directions of the aforesaid Act.

CHAPTER XIII.

An Act to prevent the Unreasonable Destruction of Fish in the Rivers Meherrin, Peedee, and Catawba.

(Printed in Private Acts, *post.*)

CHAPTER XIV.

An Act for altering the Boundary Line between the Counties of Northampton and Hertford.

I. Whereas by the Act of Assembly for establishing the County of Hertford, it hath by experience been found not so convenient for some of the lower Inhabitants of Northampton County as was by the said Act intended: For Remedy Whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First day of March next, the dividing Line between the said County of Northampton and Hertford shall be altered as followeth, to-wit: Beginning on Kirby's Creek, where the dividing Line joins the said Creek, running thence up the Creek to the Fork thereof; then up Turkey Creek to Maple Fork; thence by direct South Course, till it intersects the present dividing Line.

III. And be it further Enacted, by the Authority aforesaid, That Joseph Sikes, William Murphey, and Benjamin Wynns, or the Majority of them, are hereby appointed Commissioners to run the said Line; which shall be done at the proper Cost and Charges of the County of Hertford.

IV. Provided nevertheless, That nothing herein contained shall extend to debar or hinder the Sheriff of Northampton County from collecting all the Public, County, and Parish Taxes, due within that Part of the said Northampton County which is hereby intended to be part of Hertford County, after the said first Day of March next; any Law, Usage or Custom, to the contrary notwithstanding.

CHAPTER XV.

An Act to continue an Act therein mentioned.
(Printed in Private Acts, *post.*)

CHAPTER XVI.

An Act for the Relief of Abraham Jones, Esq., former Sheriff of Edgcomb County.

(Printed in Private Acts, *post.*)

CHAPTER XVII.

An Act to increase the salary of the Reverend Thomas Burgess, Minister of Edgcomb Parish, in the County of Halifax.

I. Whereas by the Act of Assembly, for confirming an agreement made by the Church Wardens and Vestry of Edgcomb Parish, in Halifax County, with the Reverend Thomas Burgess, the Vestry of the said Parish are restrained from levying and paying a larger Sum of Money than One Hundred Pounds per Annum, to the said Thomas Burgess, which is much less than the salary allowed by Law to other Ministers within this Province.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Passing of this Act the said Vestry of Edgcomb Parish shall levy and pay to the said Thomas Burgess as much money per annum as other Ministers within this Province shall con-

tinue to have, by Virtue of an Act of Assembly, for making Provision for an orthodox Clergy; any Law, Usage or Custom to the contrary, notwithstanding.

Signed by,

ARTHUR DOBBS, ESQ., Governor.

James Murray, President.

JOHN ASHE, Speaker.

Read Three Times and ratified
in open Assembly,
the 27th Day of November, 1764.

LAWS OF NORTH CAROLINA, 1765.

At an Assembly begun and held at Wilmington the Third Day of February, in the Fourth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc., and in the Year of our Lord One Thousand Seven Hundred and Sixty-Four; and from thence continued, by several Prorogations, to the Third Day of May in the Fifth Year of the Reign of our said Sovereign Lord George the Third, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-Five; to be then held at New Bern; Being the Third Session of this present Assembly.

CHAPTER I.

An Act for establishing an Orthodox Clergy.

I. Whereas making a reasonable and certain Provision for an Orthodox Clergy may tend to encourage Pious and learned Ministers of the Gospel to settle in the several Parishes in this Province:

II. Be it Enacted by the Lieutenant Governor, Council, and Assembly, and by the Authority of the same, That every Minister now or hereafter to be preferred to, or received, into any Parish within this Province, as incumbent thereof, shall have and receive a Salary of One Hundred and Thirty-three Pounds Six Shillings and Eight Pence, Proclamation Money; to be paid by the Church Wardens and Vestrymen, on or before the last Day of June, Annually: And every Minister may take and receive for the Services hereinafter mentioned, the following Fees, to-wit:

For Marrying, if by Licence, Twenty Shillings; if by Banns, Five Shillings.

For publishing Banns, and granting a Certificate thereof, One Shilling and Six Pence.

For preaching a Funeral Sermon, if required, Forty Shillings, Proclamation Money.

And may demand and receive the said Perquisites, if he shall not refuse or neglect to do the said Services although such services shall be performed by any other Person.

III. And be it further Enacted by the Authority aforesaid, That in every Parish of this Province, where a Glebe is not already purchased and appropriated; a Tract of good Land, to contain two Hundred Acres at least, shall be purchased by the Vestry, as a Glebe for the Use of the Incumbent of such Parish for the Time being, and his Successors forever; and until such Glebe shall be purchased, and buildings erected thereon, in Manner hereinafter mentioned, the Minister of such Parish shall have and receive the Sum of Twenty Pounds Proclamation Money, Annually. And where a Mansion House and convenient outhouses are not already erected, for the use of the Minister, It is hereby Enacted, That the Vestry of every such Parish, are hereby authorized, impowered and required, to cause to be erected and built on such Glebe, one convenient Mansion House, of thirty-eight Feet in Length, and Eighteen Feet in width, a Kitchen, Barn, Stable, Dairy and Meat House, with such other Conveniences as they shall think necessary.

IV. And to the End that the Buildings already erected, or hereafter to

be erected upon every Glebe, may be kept in good Condition, It is hereby further Enacted, That the Minister of every Parish within this Province, shall, during the Time of his being Incumbent of the Parish, keep and maintain the Mansion House, the out-houses, and other Conveniences erected, or to be erected on his Glebe, in tenantable Repair, and shall so leave the same at his removal from his Parish, or Death (Accidents by Fire or Tempest only excepted); And in Case any Minister shall fail so to do, such Minister, his Executors or Administrators, shall be liable to the Action of the Church Wardens of the Parish for the Time being, wherein the Value of such Repair shall be recovered, and Damages, with Costs of Suit; and the Damages so recovered shall be applied and laid out in necessary Repairs upon the Glebe; and every Vestry of a Vacant Parish is hereby empowered and required to put all the buildings upon the Glebe of their Parish into such Good and sufficient Repair that they may be fit for the Reception of the succeeding Minister.

V. Provided nevertheless, That any Vestry who shall Judge that the Minister has not wilfully committed any Waste on his Glebe, shall make such necessary Repairs at the Charge of the Parish, as they shall think Proper.

VI. And be it further Enacted by the Authority aforesaid, That if any Clergyman presented to any Parochial living within this Province, shall be guilty of any Gross Crime or notorious Immorality, it shall be lawful for the Governor or Commander in Chief for the time Being, by and with the Advice of his Majesty's Council, to suspend the said Clergyman from serving the Cure of such Parish whereof he was Incumbent; and such Suspension shall be deemed good and Valid, until such Time as the Bishop of London shall either restore, or pass Sentence of Deprivation on him, by notifying the same to the Governor, or Commander in Chief for the Time being.

VII. And be it further Enacted by the Authority aforesaid, That every Parish, the Minister whereof shall be suspended as aforesaid, shall be entirely discharged from the Payment of the Salary and Provisions by this Act allowed and made for the Minister thereof, for all such Time as the said Suspension shall remain in Force.

VIII. And be it further Enacted by the Authority aforesaid, That all and every Act and Acts heretofore passed, relative to the making Provision for an orthodox Clergy, and all and every Clause and Article contained in any such Act or Acts (except one Act of Assembly, intituled an Act to confirm an Agreement made by the present Church Wardens and Vestry of Christ Church Parish, in Craven County, with the Rev. James Reed; and also one other Act, intituled an Act to confirm an Agreement made by the Church Wardens and Vestry of Edgcomb Parish, in Halifax County, with the Rev. Thomas Burgess), from henceforth shall be repealed and made void.

IX. And be it further Enacted, by the Authority aforesaid, That every Sheriff, and other Parish Collector, shall, on his Appointment to the said Office, enter into Bond, with sufficient Securities, to the Church Wardens and Vestrymen of the Parish whereof he shall be so appointed Collector, with Condition, that he will well and truly collect and pay to the said Church Wardens and Vestrymen, the taxes by them assessed, for the use of the Parish; and also save harmless, and keep indemnified, the said Church Wardens and Vestry, from all Suits, Costs, and Damages, which they shall sustain, if the said Collector shall fail to make such Collection, and Payment.

X. And be it further Enacted, by the Authority aforesaid, That if any

Parish Collector shall fail or neglect to collect and pay to the Church Wardens and Vestry of the Parish whereof he is Collector, on or before the thirtieth Day of June aforesaid, all such Parish Taxes as he shall or ought to have collected, after deducting the Commissions by Law allowed him, and the Sums chargeable to Persons who have no visible Estate in his Parish; it shall and may be lawful for the Superior Court of the District, on Motion of the Church Wardens and Vestrymen, to give Judgement against such Collector, and his Securities, for all the Money wherewith he is or shall stand chargeable as aforesaid, with costs, and to award Execution. Provided, That such Collector have Ten Days, previous Notice of such motion.

XI. And be it further Enacted, by the Authority aforesaid, That the Church Wardens and Vestry of each Parish, shall pay and satisfy to the Minister thereof, the Salary by this Act allowed him, on or before the First Day of August, in every Year: And in Case of Neglect or Refusal, the Minister shall and may, by Motion in the Superior Court have the like Remedy, Proceedings and Relief, against such Church Wardens and Vestry so neglecting or refusing, as is or may, by Virtue of this Act, be had against any Parish Collector, for Taxes by him to be collected and paid to the Church Wardens and Vestry.

XII. And be it further Enacted, by the Authority aforesaid, That the Minister of every Parish, shall preach at the Churches and Chapels which now are, or hereafter shall be erected in the Parish whereof he is Minister, and at such other suitable Places as the Vestry for the Time being shall Direct.

CHAPTER II.

An Act for opening and cutting two Roads from the Ferry on the Northwest River, opposite Eagle's Island, in Brunswick County, and other Purposes.

I. Whereas by an Act of Assembly lately passed at Wilmington, William Dry, Esquire, is impowered to make a Public Road through the great Island opposite the Borough of Wilmington, which said Road is nigh opened; and as it is necessary that two Roads should be laid off and made from the Ferry on the Northwest River, leading from the said New Road, one towards Brunswick, the other upwards into the main Road:

II. Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly, and by the Authority of the same, That the Inferior Court of Brunswick County shall, within Three Months after the Passing this Act, nominate and appoint Twelve Men to lay out the said Roads; and the Persons so appointed, or the Majority of them, shall, within Two Months after their Appointment, lay out the said Roads, from that Part of the Northwest River opposite the Road through Eagle's Island; one Road leading towards Brunswick, the other towards Bladen County, each to intersect the Main Road the best and nearest Way: And if any Person appointed to lay out the said Roads shall refuse or neglect to perform the same, he shall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered by any Person who shall sue for the same, by Action of Debt, brought in the Name of the Chairman of the Inferior Court of Brunswick County; which Money when recovered, shall be paid to the Chairman of said Court, and by him be applied towards making the said Roads.

III. And be it further Enacted, by the Authority aforesaid, That the said

Inferior Court shall, within Six Months after the passing of this Act, appoint an Overseer or Overseers, as they shall think requisite: And in Case the Persons liable to work on the said Roads in the District where the same is to be made should not be sufficient to make and finish the same, the said Court is hereby impowered and directed to order any Number of Hands they shall think necessary, out of any other District or Districts within their County, to assist in making and finishing the same under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered by, and paid to, any Person suing for the same; one Half to his own Use and the other half to be by him applied for and towards making the said Roads; and the Overseer or Overseers appointed by the said Court shall, and are hereby vested with the same Powers and Authorities, and liable to the same Penalty, as any Overseers of Roads are vested with, or liable to; And the Overseer or Overseers so appointed shall, within Eighteen Months after their appointment, make and finish, or cause to be made and finished, the said Roads, with all Bridges that may be necessary, under the Penalty of Fifty Pounds, Proclamation Money, each to be recovered by any Person suing for the same; one Half to his own Use, and the other Half to be paid to the Chairman of the Inferior Court of Brunswick County, to be by him applied for and towards compleating the said Roads.

IV. And be it further Enacted by the authority aforesaid, That no Person whatever residing, or to reside on the said Island, shall be licenced to keep any Tavern, Ordinary, or Tippling-House thereon, within One Mile of the said Road, other than at the Ferry Houses.

V. And to enable the said William Dry to make a Good and sufficient Causeway through the said Island, opposite to Wilmington; Be it Enacted, by the Authority aforesaid, That the said William Dry, his Servants or Slaves, shall and may at all Times hereafter, make use of any Earth, Dirt, or Sand, necessary in making and repairing the Causeway aforesaid, from off any Person's Land adjacent thereto without any Let, Hindrance, or Molestation whatever.

CHAPTER III.

An Act confirming the Title of William Dry, Esquire, to certain lands therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER IV.

An Act to impower the Sheriff of Orange County to collect a Tax of one Shilling and Six Pence, Proclamation Money, laid on the Taxable Persons in the said County, by an Act of Assembly of this Province, passed in the Fourth Year of the Reign of his Present Majesty.

(Printed in Private Acts, *post.*)

LAWS OF NORTH CAROLINA, 1766.

At an Assembly, begun and held at New Bern the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty Six: Being the First Session of this present Assembly. *William Tryon, Esq.*, Governor.

CHAPTER I.

An Act for appointing a Public Treasurer in the room of John Starkey, Esq., deceased. Repealed.

CHAPTER II.

An Act for erecting a Convenient Building within the Town of New Bern, for the residence of the Governor or Commander in Chief for the Time Being.

I. Whereas it is necessary that a Convenient Edifice, for the Residence of the Governor or Commander in Chief for the Time being within this Province, be erected;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That His Excellency William Tryon, Esq., Governor and Commander in Chief in and over this his Majesty's Province of North Carolina, be and is hereby authorized and impowered to purchase any Number of Lots of Land, not exceeding Twelve, lying within the Limits and Boundaries of the Town of New Bern, in any Part of the said Town he shall think most Proper and Convenient; and to take and receive one or more Deed or Deeds, sufficient in Law for the conveying the same to himself and his Successors, Governors, and Commanders in Chief of this Province; and upon such Conveyance and Conveyances, his Excellency the Governor is hereby requested and impowered, as soon as may be, to contract and agree with proper Persons for designing, erecting, and completely finishing a Good Dwelling House, with all necessary Offices, for the Use of Himself, and his Successors, Governors, and Commanders in Chief, in and over this Province; and that the planning, Designing, Building, and finishing the said Edifice and Offices, shall be under the sole Direction and Management of his Excellency the Governor, or such Person or Persons as he shall appoint, till the same is completely built and finished; And the said Lots of Land, with the Houses, Buildings and other Edifices thereon to be erected, shall, and is hereby directed to be for the Use of his Excellency the Governor, and his Successors, Governors and Commanders in Chief in and over this Province, forever.

III. And be it further Enacted, by the Authority aforesaid, That his Excellency the Governor, as often as he shall have Occasion, of Money for the Purposes aforesaid, may, and is hereby authorized to issue his Warrant to one or Both of the Treasurers of this Province, requiring him or them to pay so much Money as he shall have Occasion for, not exceeding the

Sum of Five Thousand Pounds, Proclamation Money; which the said Treasurers are hereby required to pay to his Excellency the Governor, upon his Warrant, out of the Money appropriated by Act of Assembly for erecting of Public Schools, and purchasing Glebes.

IV. And for replacing the said Sum of Five Thousand Pounds into the Hands of the Treasurers of this Province by the Time appointed for the sinking of the same; Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That an Annual Poll-Tax of Eight Pence, Proclamation Money, be levied on each Taxable Person in this Province, for and during the Term of Two Years, from and after the First Day of January next; to be collected by the Sheriff of each respective County, on or before the First Day of March in each Year; And that all and every Person neglecting to pay the said Tax at the said First Day of March, shall be liable to such Distress, to be made by the Sheriff, as for non-payment of other Taxes; and the Sheriff of each Respective County shall, on or before the Tenth Day of June, Yearly, pay into the Hands of the Public Treasurer of the District, all such Sums of Money as each and every one of them shall have received in Virtue of this Act, under the same Regulations and Directions, and like Fines and Penalties, as are directed and inflicted in other Acts for collecting of Public Taxes.

V. And be it further Enacted, by the Authority aforesaid, That an additional Duty of Two Pence, Proclamation Money, be paid for every Gallon of Wine, Rum and distilled Liquors, imported into this Province, either by Land or Water, from any Port or Place whatsoever (Great Britain excepted) after the First Day of January next, for and during the Term of Two Years next ensuing; which said additional Duty shall be collected by the same Officers, and accounted for in the same Manner, and under the same Regulations, as other Duties on Wine, Rum, and Distilled Liquors imported into this Province, are directed and paid into the Hands of the Treasurers, towards raising the said Sum of Five Thousand Pounds, for the Uses and Purposes as in this Act directed.

CHAPTER III.

An Act appointing the Method of distributing Intestates' Estates.

I. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all and every Person or Persons to whom administration on the Estate of any Deceased Person shall hereafter be granted, shall distribute the Surplus of such Estate in Manner following; that is to say, One-third Part of the said Surplus to the wife of the Intestate, and all the rest by equal Portions, to and amongst the children of such Person dying Intestate, and such Persons as legally represent such children, in Case any of the said Children be then dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his lifetime, by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made: And in case any Child other than the Heir at Law, who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate in his lifetime, by Portions not equal to the Share which shall be due to the other Children by such Distributions as aforesaid, then so much of the Surplus of the Estate of such Intestate to be distributed to

such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the lifetime of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated; but the Heir at Law, notwithstanding any Land that he shall have by Descent, or otherwise, from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by descent, or otherwise, from the Intestate: And in case there should be no children, nor any Legal Representatives of them, then one Moiety of the said Estate, to be allotted to the Wife of the Intestate; the Residue of the said Estate to be distributed equally to every of the next of kin of the Intestate who are in equal degree, and to those who legally represent them: Provided, That there be no Representatives admitted amongst Collaterals after Brothers and Sisters' Children. And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children; and in Case there be no Child, then to the next of Kindred, in equal Degree of or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever. And if after the Death of the Father, any of his Children shall die Intestate, without Wife or Children, in the Lifetime of the Mother, every Brother and Sister, and the Representatives of them, shall have an Equal Share with the Mother of the Estate of the Child or Children so dying Intestate.

II. And be it further Enacted, by the Authority aforesaid, That so Much of an Act of Assembly, entitled, An Act concerning proving Wills, and granting Letters of Administration, and to prevent Frauds in the Management of Intestates' Estates, as is within the Purview of this Act, is hereby repealed and made void.

CHAPTER IV.

An Act for the Relief of such Persons as have suffered or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes.

I. Whereas by an Act passed at New Bern, in the year of our Lord One Thousand Seven Hundred and Fifty Four, entitled an Act for Relief of such Persons as have suffered or may suffer, by not having had their Deeds and Mesne Conveyances registered and proved within the Time heretofore appointed for such Purposes, and to prevent Suits and Law Suits, concerning Lands and Deeds or Mesne Conveyances for any Lands, Tenements or Hereditaments, within this Province, were to be acknowledged or proved according to the Directions of that Act, and delivered to the Register of the Counties wherein they are respectively situated, within the Space of Two Years from the respective Dates thereof; And many Persons through Ignorance of the Purport of the said Law, or other Causes have neglected to have their Deeds and Mesne Conveyances proved and registered, according to the Directions of the said Act: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements and Hereditaments, not already registered, acknowledged or proved, shall and may, within eighteen Months after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or

Attornies, or proved by one or more of the Subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, Hereditaments are respectively situated; And all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved, according to the Directions of this Act, and also such as have been heretofore proved or recorded by the Clerk, and registered by the Registerer of any County wherein the Lands and Tenements mentioned in the same lie or are Situate, though not within Two Years after the Date of the respective Conveyance, shall be good and Valid in Law, and shall enure and take Effect as fully and Effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered, agreeable to the Direction of any Act of Assembly heretofore made.

CHAPTER V.

An Act for reviving and re-enacting the several Acts of Assembly relating to the Inspection of Tobacco. Expunged.

CHAPTER VI.

An Act to amend and continue an Act, entitled, an Act for appointing a Militia. Expunged.

CHAPTER VII.

An Act to amend an Act, entitled, An Act for rendering more Effectual the Laws making Lands, and other real Estates, liable to the Payment of Debts. Expunged.

CHAPTER VIII.

An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort.

I. Whereas considerable Injuries have frequently happened to divers Merchants who have sent their Ships and Vessels to Bath, Edenton and New Bern, by Reason of the Badness of the Channels leading to the said Places the Insufficiency and Negligency of the Pilots, the Want of Staking out the said Channels, and making the Navigation more easy, whereby the Trade of those Parts of the Province is greatly impaired; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Honourable Robert Palmer, Esq., Thomas Respiss, Wyriot Ormond, and Peter Blinn, Esqrs., be and are hereby appointed Commissioners for Port Bath; the Honourable Henry Eustace McCulloch, Esq., and John Campbell, Joseph Blount, Edward Vail, Joseph Hewes, John Hodgson, William Lother, and Cullen Pollock, Esqrs, be and they are hereby appointed Commissioners for Port Roanoke; and Gabriel Cathcart, Samuel Cornell, Thomas Haslin, Thomas Clifford Howe, John Smith and William Wilton, be, and are hereby appointed Commissioners for Port Beaufort; to contract with proper Persons to examine, from Time to Time, the situation of the Swatch, and to keep the same, and all other Chan-

nels leading from Ocacock Bar, to Port Bath, Edenton, and New Bern, well and sufficiently staked out, and to erect Beacons at Ocacock, Beacon Island, Core Banks, and all other such Places as the said Commissioners shall think most Convenient for the safety of the Vessels.

IV. And be it Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, in each respective Port, shall have full Power and Authority to examine Pilots touching their Qualification, and upon their Approbation, to grant them a Certificate or Certificates, to be produced to the Governor, or Commander in Chief for the Time Being, in order to obtain his Warrant to Pilot Vessels in all or any of the Respective Ports aforesaid: And in Case any Person shall pretend to pilot or take Charge of any Ship or Vessel without having passed an Examination as aforesaid, and obtained a Warrant for so doing, and also given Bond, in Manner as is hereafter directed, shall forfeit and Pay, for each and every Offence, the Sum of Twenty Pounds, Proclamation Money.

V. Provided nevertheless, That no Person shall be subject to the said Penalty, who shall obtain a Certificate of his Qualification as aforesaid, within Four Months from and after the passing of this Act.

VI. And be it further Enacted, by the Authority aforesaid, That all Pilots already appointed, or that shall be hereafter appointed, shall give Bond, in the Sum of One Hundred Pounds, with Two Good Securities, to the respective Commissioners of the several Ports before mentioned in which they shall act as Pilots, conditioned for the True and faithful Discharge of their Duty.

VII. And be it Enacted, by the Authority aforesaid, That there shall be paid and allowed to every Pilot who shall take Charge of any Ship or Vessel, the following Pilotage; that is to say:

For every Ship or vessel from the outside of the Bar of Ocacock, into Beacon Island Road, Two Shillings, Proclamation Money, per Foot; for every Vessel that draws Nine feet of Water, or less; and for every Vessel that draws more than Nine and under Ten Feet of Water Two Shillings and Six Pence, Proclamation Money, per foot; and for every Vessel drawing Ten Feet, and upwards, Three Shillings per Foot; and that the same Sums be allowed to Pilots for Pilotage outward as inwards.

And for every Vessel from Beacon Island Road, that draws Six Feet Water, or less, to Bath Town, Thirty Shillings, Proclamation Money; and for every Vessel that draws above Six Feet Water, Six Shillings, Proclamation Money, per foot.

And for every Vessel from Beacon Island Road, that draws Six Feet Water, or less, to Edenton, Three Pounds Proclamation Money; and for every Vessel that draws above Six Feet Water, Ten Shillings; Proclamation Money, per Foot.

And for every Vessel from Beacon Island Road, that draws Six Feet Water, or less, to New Bern, Thirty Six Shillings, Proclamation Money; and for every Vessel drawing above Six Feet Water, Seven Shillings per Foot.

And when any Vessel whatsoever shall be bound over the Bar of Ocacock aforesaid, whether such Vessel shall make a Signal for a Pilot or not, any Pilot who shall go over the Bar aforesaid to Pilot such Vessel into Port, and offer his Service for that Purpose shall be entitled, although the Master of such Vessel shall refuse to employ him, to Half the Fees which he would have been entitled to if he had taken Charge of, and piloted such Vessel over the Bar aforesaid; and the Master shall be obliged to pay the same Accordingly: And any Pilot appointed as is hereinbefore mentioned, who shall Demand or exact any Larger Sums of Money than is by this Act Di-

rected and appointed, shall Forfeit and pay Ten Pounds; provided that Suit is brought or prosecuted within One Year after such Demand or Exaction made and not afterwards.

VIII. And be it further Enacted, by the Authority aforesaid, That Each of the said Collectors herein appointed for the several Ports aforesaid shall, before he enters on the said Office, give Security, in the Sum of Three Hundred Pounds, to the Commissioners herein appointed for each of the said Ports respectively, for the due Performance of the Trust reposed in Him, and for his accounting with, and paying to the said Commissioners, as often as required, all such Sum or Sums of Money as shall be, from Time to Time, by him received; and if either of the said Collectors shall refuse to give such Security, it is hereby Enacted, That the said Commissioners of that Port shall and may appoint another Receiver or Receivers in his or their Place and Stead, who shall have full Power and Authority to receive the said Tax, giving such Security to the Commissioners of the Port where he is so appointed.

IX. And be it further Enacted, by the Authority aforesaid, That each Receiver shall, in his Port, have full Power and Authority, to go on Board any Vessel, in order to measure and ascertain, the Burthen of such Vessel; and shall likewise have Power and Authority to Examine, on Oath the Master of any Vessel for that Purpose.

X. And be it further Enacted, by the Authority aforesaid, That from and after the Passing of this Act, no Collector of either of the said Ports shall clear out any Vessel till the Master shall have produced to him a Certificate from the Receiver of the said Tax, of his having paid the same, under the Penalty of Twenty Pounds.

XI. And be it further Enacted, by the Authority aforesaid, That the Expence of setting up Beacons at Ocacock, Beacon Island, and Core Banks, and the staking out the Swatch, shall be discharged by the Commissioners hereby appointed for the several Ports, in the Proportion following, that is to say: The Commissioners for Port Roanoke shall pay Two Fifths of the said Charge and Expence; and the Commissioners for the Port of Bath, and for the Port of Beaufort, shall pay the other Three Fifths of the said Charge and expence out of the Monies by them received, in Proportion to the Sums received in the said Ports of Bath and Beaufort; and the Expence of staking out the other Channels leading to each of the said Ports, shall be severally paid by the Commissioners of each respective Port to which the said Channels lead.

XII. And be it further Enacted, by the Authority aforesaid, That upon the Death, Removal, or Refusal of any of the said Commissioners or Receivers to Act, the remaining Commissioners of each respective Port, shall and may Choose and appoint another Commissioner or receiver in the said Port, in the Room of such Commissioner or Receiver so dying, removing, or refusing to act.

XIII. And be it further Enacted, That no Master or other Person, belonging to any Vessel trading to this Government, shall cast or throw overboard, into any Channel or River within this Province, any Stones, or other Ballast whatsoever; or any Oysters or Oyster Shells, under the Penalty of One Hundred Pounds, for every such Offence; And if any Person or Persons shall Wilfully pull down, remove, or destroy any Beacon, Stake, or other Mark erected or placed in Virtue of this Act, he or they shall, for every such Offence, forfeit and pay Fifty Pounds.

XIV. And be it further Enacted, That the said Commissioners, as often as they are required, shall account with the general Assembly for such

Money as shall be by them, from Time to Time, respectively received; and shall have such Allowance for their Expences actually disbursed, as shall appear Reasonable.

XV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Commissioners hereby appointed for Port Bath and Port Beaufort to demand and receive from the Receiver or Receivers of the Duty on the Tonnage of Vessels, all such Sum or Sums of Money as shall, at the time of passing this Act, be in his or their Hands, arising from the said Duty; and for them to apply the same towards amending and improving the Navigation of the said Ports, in such Manner as to them shall seem necessary and convenient.

XVI. And be it further Enacted, That the Commissioners appointed by this Act for Port Beaufort, are hereby Authorized and impowered to demand of the late Commissioners, the Survivor or Survivors of them, an account of the Monies received by him or them, by Virtue of his or their Office, and also, of all Monies paid for the services expressed in the before recited Act; and if there should be any Ballance remaining in his or their Hands, to pay the same to the Commissioners herein appointed; under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt in the Superior Court of the District of New Bern, by the Commissioners herein named, and applied towards the Purposes of this Act; and the Commissioners herein appointed are authorized and impowered to settle with, and shall pay any Ballance that may appear to be due to the former Commissioners, or any of them, for any Sums by them advanced.

XVII. And be it further Enacted, by the Authority aforesaid, That each and every Fine imposed by this Act shall be recovered by Action of Debt, in any Court of Record in this Province, having Cognizance thereof; one Half to the Person suing for the same, the other Half to the Commissioners where the Offence shall be committed; to be by them applied towards the staking out the Channel as aforesaid.

XVIII. And whereas the Pilots that attend Ocacock Bar, have petitioned this Assembly to have Privilege to build Houses and haul up their Boats on the Island of Ocacock, and the Land formerly assigned for that Purpose being wasted away, and Disputes and Controversies concerning the Right of the Pilots to settle on said Island have arisen; Be it therefore Enacted by the Authority aforesaid, That any Three or more Commissioners appointed by this Act, shall attend at Ocacock Island within Six Months after the passing of this Act, and lay off Twenty Acres of Land in the most proper part of that Island, and value the same on Oath, and pay the Valuation Money to the present Owners of Ocacock Island, and take a Deed of Conveyance for the said Twenty acres of Land, to be vested in the Commissioners for the Navigation, and for the Benefit of the Public, to allot and lay off a Part to every Branch Pilot who may hereafter attend to Pilot and conduct Vessels into Ocacock Inlet, by a Lease for such Lot as is assigned him, during the Term of his Residence, and no longer. And the Commissioners or the Majority of them, may remove any Pilot, disqualified, from any Lot or House they erect on the Ground leased to such Pilot, and lease the same to other Pilots. And for defraying the Expence of purchasing said Lands, and Commissioners Expence the Several Ports of Roanoke, Bath, and Beaufort, shall pay their respective Quotas, as in other Matters is directed; and the said Twenty Acres of Land so laid out by the Commissioners, is hereby declared to be invested in the Commissioners for the Time

Being, in Fee-Simple, to and for the Uses, Intents and Purposes, before mentioned.

XIX. Provided nevertheless, That no Pilot, by Virtue of this Act, shall keep running at large any Cattle, or maintain any Live-stock, of any kind, on the said Island of Ocacock, to the Prejudice of the present Proprietors; and all such Cattle or other Stock owned by the said Pilots on the said Island, are hereby declared to be forfeited to the present Proprietors, their Heirs or Assigns, forever.

XX. And whereas the navigation of Old Topsail Inlet, and of Core Sound, may be greatly facilitated for the Benefit of the Trade of several Parts of this Province; Be it therefore Enacted, by the Authority aforesaid, That William Cole, John Eason, and Robert Read, of Carteret County, be and are hereby appointed Commissioners for the Navigation of Old Topsail Inlet; and from said Inlet, through Core Sound to Harbour Island; and are hereby authorized to contract with proper Persons to erect one or more Beacon or Beacons for Old Topsail Inlet; and for staking out the Channel from said Inlet, through Core Sound, to Harbour Island; and from Time to Time, to keep the same in Repair, as Need may require.

XXI. And for defraying the Expence of erecting one or more Beacon or Beacons, and staking the Channel aforesaid, and keeping the same in Repair; Be it further Enacted, by the authority aforesaid, That the following Taxes shall be paid by the Master or Owner of each Vessel, of the Tonnage and Draught of Water hereafter mentioned, coming in at Old Topsail Inlet, or going either way, through Core Sound, from Harbour Island to Harker's Island, or further; that is to say:

All Vessels of Thirty, or under Fifty Tons, coming in at Old Topsail Inlet, shall pay Ten Shillings, Proclamation Money.

Every Vessel of Fifty, and under One Hundred Tons Burthen, or Upwards, coming in as aforesaid, shall pay Twenty Shillings, like Money.

And every Craft or Vessel going either Way through Core Sound, to or from Harbour Island to Harker's Island, or further; and drawing Three, and under Four Feet Water, shall pay Four Shillings.

Every Craft or Vessel drawing Four, and under Five Feet Water, shall pay Six Shillings and Eight Pence.

And every Craft or Vessel drawing Five Feet Water, and upwards, shall pay Ten Shillings, Proclamation Money.

XXII. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or their Successors, shall, from Time to Time, as they seem Meet, appoint Two Receivers of the aforesaid Taxes; and take sufficient Bond and Security of them, for the faithful Discharge of their Trust; one Receiver residing in or near the Town of Beaufort, and the other on some convenient Part of Core Sound: And the said Receivers or Commissioners themselves, are hereby impowered to stop or retain any Vessel or Vessels coming in at Old Topsail Inlet, or going through Core Sound, until the Master or Owner of the same shall pay the above rated taxes: And in Case the Master or Owner of any Vessel or Craft, shall endeavour to escape, and evade payment of the above mentioned Tax, the Commissioners or Receivers may pursue such Vessels, and put men on Board of them, and charge the Expense to the Master or Owner of such Vessel who shall be obliged to pay the same.

XXIII. And be it further Enacted, by the Authority aforesaid, That if any Vessel shall escape, or go out at the Inlet, or pass through Core Sound, without paying the aforementioned Tax, that the Master or Owner of such Craft or Vessel shall forfeit and pay Twenty Pounds, Proclamation Money;

to be recovered at the Suit of the Commissioners, with Costs, in any Court of Record in this Province; the one Third to be paid to the Informer, and the other Two Thirds to be applied, with the Tax, for the Improvement of the Navigation.

XXIV. And be it further Enacted, by the Authority aforesaid, That this Tax shall not Effect the Inhabitants of Core Sound, living between Harbour Island and Beaufort, at the First Transporting of their Naval Stores, or any Produce of their Plantations, to Market.

XXV. And be it further Enacted, That in Case of the Death, Refusal to Act, or Removal of any of the above named Commissioners out of Carteret County, the remaining Commissioner or Commissioners, shall from time to time choose another Commissioner or Commissioners in the Room and Stead of him or them so dying, refusing to Act, or removing; who shall be vested with the same Powers and Authorities, as if he had been expressly Named in and by this Act.

XXVI. And be it further Enacted by the Authority aforesaid, That the aforesaid Commissioners shall give Bond of Three Hundred Pounds, Proclamation Money, to the Governor or Commander in Chief for the Time Being, for the faithful Discharge of their Trust, and proper Application of the said Taxes, according to the Intention of this Act; and the said Bond to be renewed as often as a new Commissioner is Chosen, and acknowledged in the Inferior Court of Carteret County; and to be there lodged in the Clerk's Office.

XXVII. And whereas there is some Powder Money, formerly received of Vessels that have come in at Old Topsail Inlet, still remaining unapplied, in the Hands of Robert Read; Be it further Enacted, That the said Commissioners for Old Topsail Inlet, and Core Sound, are hereby impowered to sue for, recover, and receive the same; to be applied for facilitating and improving the aforesaid Navigation.

XXVIII. And whereas the Fee allowed to the Captain of Fort Johnston, from all Masters of Vessels coming into the River of Cape Fear, is found, from experience, not to be adequate to the services he is obliged to perform; Be it therefore further Enacted, by the authority aforesaid, That from and after the Passing of this Act, the Captain of the said Fort shall and may have and receive, from the Master of every Vessel coming into the said River of Cape Fear the Sum of Ten Shillings, Proclamation Money, for administering the Oath prescribed by Law, and signing a Bill of Health; any Law to the contrary notwithstanding.

XXIX. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force, for and during the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IX.

An Act to amend an Act, intituled, an Act concerning Marriages.

I. Whereas by an Act intituled, an Act concerning Marriages, it is Enacted, That no Minister, or Justice of the Peace, shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without Licence or Certificate of Publication, as mentioned in the said Act; and whereas the Presbyterian, or Dissenting Clergy, conceiving themselves not included in the Restriction of Ministers mentioned in that Act, have joined Many Persons together in Holy Matrimony, without either Licence or Publication; whereby the Payment of the Just and Legal Fees to the Gov-

error on such Occasions, has been eluded, and the Validity of Marriages may be endangered:

II. Be it Enacted by the Governor, Council, and Assembly, and by the authority of the same, That all Marriages that have been, or shall be solemnized, before the first Day of January next, by any of the Dissenting or Presbyterian Clergy, in their Accustomed Manner, shall be and are hereby declared to be as Valid, legal and Effectual, to all Intents and Purposes, as if performed by any Minister of the Church of England, under a Licence taken and granted according to the Directions of the aforesaid Act.

III. And be it further Enacted, by the Authority aforesaid, That from and after the First Day of January next, no Minister of the Church of England, or any Justice of the Peace within this Province shall, under the Penalty of Fifty Pounds, Proclamation Money, for every violation of this Act, perform, celebrate or solemnize any Marriage, or the rites of Matrimony, between any Persons whatsoever, or join them together as Man and Wife, without Certificate of Thrice Publication of the Banns, according to the Directions of the said Act; or Licence first Had and obtained, under the Hand and Seal of the Governor or Commander in Chief for the Time being; who is hereby authorized to grant the same, on Certificate from the Clerk of the County Court, of his having taken and filed in his Office, the usual Bond, in the Penalty of Fifty Pounds, Proclamation Money; with Condition that there is no Lawful Cause to obstruct the Marriage for which such Licence is desired.

V. And be it further Enacted, by the Authority aforesaid, That the Governor or Commander in Chief for the Time being, for each Licence of Marriage granted as aforesaid, shall be entitled to take and receive Twenty Shillings, Proclamation Money.

VI. And be it further Enacted, by the Authority aforesaid, That all and every Certificate or Certificates to the Governor or Commander in Chief, for obtaining Licence as aforesaid, and Bonds aforesaid, shall be made and taken by the Clerk of that County in which the Feme resides; and such Clerk is hereby directed to make such Certificate under the Restriction, in Relation to Persons under Age, as mentioned in the aforesaid Act; for which said Service of taking the Bonds, and giving such Certificates, said Clerk is hereby authorized to take and receive Five Shillings, Proclamation Money, and no more: And if any Clerk shall ask or Demand any larger Sum for filling up the Licence, and other Services by him to be done, by Virtue of this Act, as aforesaid, he shall for every Offence, forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered by a Warrant from a Justice of the Peace, to the use of the Party grieved.

VII. And be it further Enacted, by the Authority aforesaid, That from and after the First Day of January next, it shall and may be lawful for any Presbyterian Minister, regularly called to any Congregation, in this Province, to celebrate the Rites of Matrimony between Persons, and join them together as Man and Wife, in their usual and accustomed Manner; under the same regulations and Restrictions, as any lawful Magistrate in this Province might celebrate and solemnize the same.

VIII. Provided always, That all such Marriages so solemnized by any Presbyterian Minister as aforesaid, shall be under a Licence, first had and obtained from the Governor or Commander in Chief for the Time being, or by Licence in such Manner as directed by this Act; and that all Marriages

solemnized as aforesaid, without such Licence first had, shall be and are hereby declared illegal and void.

IX. And be it further Enacted, That any Presbyterian Minister solemnizing the Rites of Matrimony as aforesaid, without such Licence first had, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds.

X. Provided always, That the Minister of the Church of England, serving the Cure of any Parish, shall have the Benefit of the Fee for all Marriages in the said Parish, if he do not refuse to do the Service thereof, although any other Person performed the Marriage Ceremony.

XI. And for compelling the Clerks of the Inferior Courts to account with the Governor or Commander in Chief for the Time Being, for any Fees that may be received by Virtue of this, or any other Act of Assembly; Be it further Enacted by the Authority aforesaid, That when Motion shall be hereafter made against any Clerk for Fees, which such Clerk ought to be accountable for, to the Governor or Commander in Chief, the Sum Supposed to be due shall be specified in the Notice served on such Clerk, at least ten Days before such Motion; who, on appearing thereto, shall render an Account, on Oath, for all such Monies as he hath, or ought to have received, for such Governor or Commander in Chief, and pay the same; and on Failure to do so, the Court shall give Judgment for the whole sum Mentioned in such Notice, and award Execution thereon.

XII. And be it further Enacted, by the Authority aforesaid, That the several Fines and Forfeitures by this Act inflicted, for which no Method of Recovery or Application is hereinbefore directed, shall and may be recovered by Action of Debt, with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Prosecutor, and the other Half to the Parish wherein such Penalty shall be incurred; to be applied by the Church Wardens towards lessening the Parish Tax.

XIII. And be it further Enacted, by the Authority aforesaid, That so much of the before recited Act, as relates to the granting or obtaining a Licence, taking the Bond, or making Certificate, contrary to, or in any other Manner than directed by this Act, shall, from and after the First Day of January next, be repealed, and made Null and Void.

CHAPTER X.

An Act for a further Allowance of Commissions to Sheriffs, and Collectors of Taxes, and other Purposes therein mentioned.

I. And as many Doubts and disputes have arisen relative to the Limits of the Prison Bounds for the Gaol of New Hanover County, be it Enacted, by the Authority aforesaid, That the Inferior Court for the County of New Hanover, to be held next after the passing of this Act, shall nominate and appoint Two of the Justices of the said Court, who, with the Sheriff of the said County, shall see the Prison Bounds run off agreeable to Law, and make a due Return thereof to the next Inferior Court; and the same shall be recorded in the Minutes of the said Court, and be and stand as the Rules and Limits of the said Gaol; any Law, Usage, or Order to the contrary, notwithstanding.

CHAPTER XI.

An Act to lay a Tax on Pedlars, and other Itinerant Traders, coming into this Province. Expunged.

CHAPTER XII.

An Act to amend an Act, intituled, An Act to prevent the Exportation of unmerchable Commodities. Expunged.

CHAPTER XIII.

An Act for appointing a Printer to this Province.

I. Whereas it is necessary that a Printer be appointed to print the Laws, Journals, and other Public Business of this Province,

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That James Davis, of the Town of New Bern, be appointed Printer to this Province, for and during the Term of Three Years from and after the passing of this Act, and from thence to the end of the next Session of Assembly; and that the said James Davis, at every Session of Assembly, print the Speeches, Addresses, and Journals thereof, and deliver a Copy of them to his Excellency the Governor, and to each Member of his Majesty's Council, and of the Assembly; also that the said James Davis, within Three Months after he shall have received from the Secretary attested Copies of the several Acts of Assembly that may be passed at every Session, print and transmit one Copy of them to his Excellency the Governor, one Copy to each Member of his Majesty's Council, one Copy to every Member of Assembly, one Copy to the Clerk of each House of Assembly, one Copy to the Clerk of each Superior Court, one Copy to each Clerk of the Inferior Courts; and one Copy to each and every Justice of the Peace in every County in this Province; and also a Copy of the Journals of the Assembly to the Clerk of each House.

III. And be it further Enacted, by the Authority aforesaid, That the said James Davis, within the Time aforesaid, transmit the Acts of Assembly for the several Counties to the several Clerks thereof; and that if the said Clerks, or any of them, shall not deliver the same when demanded, at his Office, to the Persons entitled to them, he or they so offending, shall forfeit and pay the Sum of Ten Pounds, to be recovered before any Court of Record within this Province having Cognizance of the same; one Half to the Informer, and the other Half to the Poor of the Parish where the Offence shall be committed: And if the said James Davis shall fail or neglect to transmit any of the Acts of Assembly as aforesaid, he shall, for each failure or neglect, forfeit and pay the Sum of Fifty Pounds; to be recovered and applied as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That the said James Davis, for and in Consideration of his doing and performing the Services aforesaid, be allowed and paid the Sum of Two Hundred and Fifty Pounds per annum; to be paid him in half yearly Payments, by a Warrant from his Excellency the Governor, directed to either of the Public Treasurers of this Province.

V. And be it further Enacted, by the Authority aforesaid, That a Tax of Four Pence be laid on every Taxable Person within this Province, for and during the Term of Three Years, for paying and satisfying the said Salary to the said James Davis, and that the Overplus thereof be paid into the Public Treasury, to be applied to and for the Contingencies of Government: which said Tax shall be collected by the several Sheriffs, and accounted for and paid in the same Manner, and under the same Pains and Penalties, as other Public Taxes.

CHAPTER XIV.

An Act to prevent the Inhabitants of South Carolina driving their Stocks of Cattle from thence to range and feed in this Province, and other Purposes.

I. Whereas of late Years many of the Inhabitants of South Carolina have made it a Practice to fix Cowpens, and settle People with Large Stocks of Cattle (though they are not Owners of any Lands) in this Province, which destroys the Range, and greatly injures the poor inhabitants of several of the Counties bordering on South Carolina:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Person, who is not an Inhabitant of this Province, to fix any Cowpen, or settle or range any Stock or Number of Cattle in this Province; nor shall any Inhabitant, on any account whatever, take Charge of, or receive under his or her Care or Custody, in order to raise or range Stock, any Number of Cattle belonging to an Inhabitant of any other Province or wherein a Resident of any other Province hath any Share or Interest, unless such Owner or keeper shall be legally possessed in his or her own right, of a sufficient quantity of Land for feeding the said Cattle on, allowing One Hundred Acres of Land for every Ten Head of Cattle: And that the Owner or Keeper of such Cattle shall record in the Inferior Court of the County where he or she intends to range Cattle, the Number of Acres he or she is legally possessed of, and whether it is by Patent, Will, Deed, or otherwise, with the date of such Patent, Will, Deed, or other Instrument; and on any Trial for a Breach of this Law, such Record shall be deemed good Evidence against the Owner or keeper of Cattle, as to the Number of Acres such Person possesses: And if any Person contrary to this Act shall presume to range, or keep a larger Number of such Cattle than Ten Head to every Hundred acres of Land, he, she, or they, shall be legally possessed of as aforesaid, and so in Proportion; all the Cattle exceeding that Proportion, shall be forfeited and sold by the Sheriff of the County wherein the said Cattle were ranged or kept, on legal Proof made to the Inferior Court of the same County by any Freeholder thereof; the said Freeholder giving the Owner or Keeper of the said Cattle Five Days previous Notice, that at the next Inferior Court to be held for the said County, he intends to lodge a Complaint against such Person, for ranging or keeping a greater Number of Cattle than he is by Law intitled to range, or keep in the said County; and on Proof of Service of the said Notice Personally, or by having a Copy of the same left at the Place of such Person's Residence, the said Inferior Court shall, without Delay, proceed to hear the Complaint in a Summary Way, without the Solemnity of a Jury, and determine according to evidence, and the Right of the Matter before them: And if Judgment pass for the Complainant, the Clerk shall forthwith issue an Order to the Sheriff for the sale of all such Cattle, agreeable to the Judgment; which Sheriff shall without delay, either by himself or Deputy, execute the command of the said order, and return the money to the next Court; one third thereof to be paid to the Complainant, one Third Part thereof to be paid to the Church Wardens of the Parish, for the Use of the Poor (being Parishioners) and the remaining Third Part to be paid to the Former Owner of the Cattle, if called for within Twelve Months, otherwise to be applied towards the Contingent Charge of the County.

III. And be it further Enacted by the Authority aforesaid, That any Person now having the care of any Stock or Number of Cattle, the Property of an

Inhabitant of any other Province, or wherein an Inhabitant of any other Province hath any Share or Interest, exceeding Ten Head of Cattle to every Hundred Acres of Land such Owner or Keeper shall be possessed of as aforesaid, the Person in whose Care the said Cattle are, shall, within Six Months next after the passing of this Act, remove, or cause the said Overplus Cattle to be removed out of the said County; under the Penalty of forfeiting the same, by Judgment of the Inferior Court of the County; under the same Rules and Regulations aforesaid.

IV. And whereas much Loss or Damage has often ensued to the Inhabitants of this Province, from distempered Cattle being drove through the same; For remedy whereof, Be it Enacted by the Authority aforesaid, That from and after the passing of this act, no Person or Persons whatever, shall drive any Cattle into this Province, or from one County to another, without having with him or them a Certificate or Certificates, under the Hand and seal of a Justice or Justices of the Peace of the County where the Cattle were severally and respectively purchased or brought; setting forth, that Oath had been duly made by the respective Owners, that such Cattle, at the Time of the Purchase or Removal, were sound, and free from any Distemper or Infection; and that no distemper or Infection were known to be among Cattle at that Time within Five Miles from the place whence they came; and shall likewise mention the Mark and Brands of the said Cattle.

V. And it is further Enacted, That every Person or Persons who shall after the passing of this Act, drive any Cattle into this Province, or from one County to another within the same, without such Certificate or Certificates as aforesaid, shall forfeit and pay for every Steer, Bull, Cow, Calf, or Heifer, respectively, for which he shall have no Certificate, the Sum of Forty Shillings; to be recovered by a Warrant before any Justice of the Peace of the County where such Cattle shall then be, and be levied on the Body, Goods and Chattels of the Delinquent or Delinquents, for the Use of the County: And every person driving Cattle as aforesaid, is hereby required and directed to produce a Certificate or Certificates as aforesaid, at the request of any Person, a Resident in the County wherein such Cattle are; and upon his Refusal to do so, on Complaint thereof made to any Justice of the Peace in the said County, such Justice is hereby impowered and directed, to issue a Warrant to bring such Drover or Drovers before him; who, for every such Refusal, shall forfeit and pay the Sum of Twenty Shillings; and till the same is paid, the said Justice shall commit the Offender to the Gaol of the County, or issue an Execution against his Goods and Chattels, as such Justice thinks most expedient; which Forfeiture shall be applied to the Use of the County and accounted for at the next Inferior Court.

VI. And it is hereby further Enacted, That in case any Cattle hereafter shall be suspected to have any Distemper, any Two Justices of the Peace, and one Freeholder, are hereby impowered and directed, to inquire into the same; and on due proof thereof made, shall make such Order therein, as may best tend to prevent the Infection spreading.

CHAPTER XV.

An Act to amend an Act, intituled, an Act for establishing a Town on the formerly granted to William Churton, Gentleman, lying on the North side of Enoe River, in the County of Orange.

CHAPTER XVI.

An Act to continue an Act, intituled, An Act to suppress excessive and deceitful Gaming. Expunged.

CHAPTER XVII.

An Act for further continueing an Act, intituled an Act for the restraint of Vagrants, and for making Provision for the Poor, and other Purposes.

I. Whereas An Act passed at New Bern the Twenty Fifth Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty Five, intituled, An Act for the Restraint of Vagrants, and for making Provision for the Poor, and other Purposes, was continued by one other Act, passed at Wilmington, the Thirteenth Day of November, in the year of our Lord One Thousand Seven Hundred and Sixty, intituled, An Act for the restraint of Vagrants, for making Provision for the Poor, and other purposes; which said last mentioned Act will expire at the End of the present Session of Assembly; and whereas the before recited Act hath been found useful and Convenient:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the same, That the said First recited Act shall further continue and be in Force for and during the Term of Four Years, from the passing of this Act, and from thence to the End of the next Session of Assembly.

CHAPTER XVIII.

An Act to prevent hunting for, and killing Deer in the Manner therein mentioned.

CHAPTER XIX.

An Act for establishing a School House in the Town of New Bern.

I. Whereas a Number of well-disposed Persons, taking into consideration the great necessity of having a proper School or Public Seminary of Learning established, whereby the rising Generation may be brought up and instructed in the Principles of the Christian Religion, and fitted for the several Offices and Purposes of Life, have, at a great Expence, erected and Built in the Town of New Bern, a convenient House for the Purpose aforesaid; and being desirous that the same may be established by Law on a Permanent Footing, so as to answer the good Purposes by the said Persons intended:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the said Persons or other Contributors to said School House, or the Majority of Them, are hereby Authorized, required, and directed, to meet at the Court House in New Bern on the First Tuesday in April next, and then and there to elect and choose, out of their Number, Eleven of the most able and discreet Persons, to be Trustees or Directors of the said School; and that after the said Election, which is to be made before the Sheriff, and a due Return thereof made to the said Directors, they shall be, and are hereby incorporated into a Body Politic and Corporate, by the Name of the Incorporated Society for promoting and establishing the Public School in New Bern; and by that Name to have perpetual Succession, and a Common Seal; and that they and their Successors, by the Name aforesaid, shall be able and Capable in Law to have, purchase, receive, enjoy, possess, and retain, to them and their Successors, forever, in Trust and Confidence for the said School, any Lands, Rents, Tenements, and Hereditaments of what kind, nature or Quality soever; and also to sell, grant, demise, alien, or dispose of the same; and also to receive and take any Charity,

Gift, or Donation whatsoever, to the said School; and by the same Name to sue and implead, be sued and impleaded, answer and be answered, in all Courts of Record whatsoever; and from Time to Time under their Common Seal, to make such Rules, Regulations, and Ordinances, for the Admission, or Dismission of the several Masters of the said School, and the better regulating and well ordering the same, as to them shall seem requisite and necessary, and best answer the Purposes intended: Provided the said Rules correspond, and be as near as may be, agreeable to the Laws of Great Britain and this Province.

III. Provided always, That no Person shall be admitted to be Master of the said School, but who is of the Established Church of England; and who, at the Recommendation of the Trustees or Directors, or the Majority of them, shall be duly Licensed by the Governor, or Commander in Chief for the Time Being.

IV. And be it further Enacted, by the Authority aforesaid, That one Lot of Land in the Town of New Bern, lately purchased from William Bastin Whitford, by the Proprietors of the aforesaid School House, and whereon they have erected the same, be from henceforth vested in the Trustees by this Act incorporated, and their Successors, forever, in Trust and Confidence, to and for the Uses and Purposes by the said Society intended.

V. And be it further Enacted, by the Authority aforesaid, That the said Trustees, before they be deemed qualified to enter on the Execution of the Trust reposed in them by this Act, do, before some Magistrate, take the several Oaths of Government, subscribe the Test, and also take the following Oath, to-wit:

I, A. B., do swear that I will duly and faithfully, to the best of my skill and Ability, execute and discharge the several Powers and Authorities given me by an Act of Assembly, for establishing a School House in the Town of New Bern; and that in all Things for the well ordering and good government thereof, I will do equal and Impartial Justice, to the extent of my understanding. So help me God.

VI. And be it further Enacted by the Authority aforesaid, That the said Trustees, or the Majority of them, after their Qualification, shall meet at the said School House, and elect, out of their Number, a fit and Proper Person to be Treasurer to the said Society: which Treasurer shall be annually elected on the first Tuesday in April; into whose Hands shall be paid all Monies of or belonging to the said School, he first giving Bond and Security, in the Sum of Two Thousand Pounds, Proclamation Money, to the Trustees, for the faithful Discharge of his Office, and the Trust reposed in him; and that the said Treasurer shall annually, on the said First Tuesday in April, settle his Accounts with the Trustees, of all Disbursements, Donations, Gifts, Bequests, or other Charities, that may belong or accrue to the said School the preceding Year: And upon the said Treasurer's Neglect or Refusal to settle and pay over to the succeeding Treasurer what Money may be in his Hands belonging to the said Society, the same Method of Recovery may be had against Him, as is provided for the Recovery of Monies from Sheriffs, or other Persons chargeable with Public Monies.

VII. And whereas it will be necessary that a Regular Succession of the said Trustees should be kept up, Be it Enacted by the Authority aforesaid, That on the Death, Refusal to Qualify, or Removal out of the Province, of any of the said Trustees, the remaining Trustees, or the Majority of them then in Office, shall elect and Choose, out of the Number of Contributors, other Trustees, in the Room and stead of Those Dead, removed, or refusing to

qualify as aforesaid; who shall be invested with the same Powers and Authorities as the other Trustees, first taking the several Oaths appointed by this Act for their Qualification.

VIII. And be it further Enacted by the Authority aforesaid, That an Act of Assembly passed at Wilmington, in One Thousand Seven Hundred and Sixty Four, intituled, An Act for building a House for a School, and the Residence of a School Master, in the Town of New Bern, be, and is hereby repealed; and the Piece or Parcel of ground mentioned in the said Act, being Half of Two Lots known in the plan of the said Town by the Numbers Fifty Nine and Sixty, beginning at the Corner of Craven and Pollock Streets, and running along Pollock Street Six and a Half Poles; then across said Two Lots Fifty Nine and Sixty, in a parallel Line with Craven Street, Thirteen Poles to the North Side of Lot Number Sixty; then along the said Lot, Six and a Half Poles, to Craven Street; then along Craven Street, Thirteen Poles, to the beginning: Also Two Lots of Land in the said Town of New Bern, adjoining the said School House, known in the Plan of the said Town by the Numbers Three Hundred and Thirteen and Three Hundred and Twenty Seven, which are hereby vested in the Trustees by this Act to be appointed, and to their Successors forever, in Trust and Confidence, to and for the Use of the said School.

IX. And whereas the aforesaid Contributors being desirous that the Benefits arising from the said School may be as extensive as possible, and that the Poor, who may be unable to educate their Children there, may enjoy the Benefits thereof: Be it Enacted by the Authority aforesaid, That a Duty of One Penny per Gallon on all Rum, or other Spirituous Liquors imported into the River Neuse, be paid, for and during the Space of Seven Years, from and after the passing of this Act, by the Importers thereof, for and towards raising a Fund for the Education of Ten Poor Children in the said School (to be chosen by the Trustees) whose Parents may be unable to pay for the same; and that the said Duty be Part of the common Stock of the said School, and be appropriated as aforesaid, and towards giving a Salary of Twenty Pounds per Year to the Master of the said School, towards enabling him to keep an Assistant; which said Duty shall be collected, accounted for, and paid to the Treasurer of the said School, in the same Manner, and under the same Penalties and Restrictions, as the Duty of Four Pence per Gallon on spirituous Liquors is now paid and collected.

CHAPTER XX.

An Act to empower the Justices of Beaufort County to build a Court House, Prison and Stocks, in Bath Town, for the Use of the said County.

I. Whereas the Court House and Prison in the said County are in great Decay, and in so ruinous a Condition, that the Courts cannot be held therein, nor Prisoners detained; and the Lot whereon the same stands is very low, sunken, and inconvenient: Therefore,

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That the Honorable Robert Palmer, Esq., John Barrow, Thomas Respiss, Wyriot Ormond, and Thomas Bonner, Esqrs., are hereby appointed Commissioners; and they, or the Majority of them shall and may, and they are hereby required, within Six Months after the passing of this Act to agree and contract with Workmen for the building and erecting a new Court House, Prison, Pillory and Stocks in Bath Town, for the Use of the said County.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, are hereby impowered to sell the old Court House and Prison, together with the Lot thereto belonging; and the Money therefrom arising, to be expended and laid out towards the erecting the aforesaid Buildings, for the Use of the county as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Three Shillings be levied on each Taxable Person in the said County for Two Years next ensuing; which Tax shall be collected by the Sheriff of the said County, in the same Manner, and at the same Times, as Public Taxes are by Law directed to be collected, and by him accounted for and paid to the Commissioners, or the Majority of them; and shall by them be applied to defray and pay for the Building and erecting the said Court House, Prison, Pillory and Stocks.

V. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, after the Buildings aforesaid shall be erected, built, and finished, shall render an account of the Monies by them received by Virtue of this Act, together with that of their Disbursements, to the County Court of Beaufort; and the overplus (if any) to be applied towards lessening the County Tax.

VI. And be it further Enacted by the Authority aforesaid, That so soon as the said Court House, Prison, Pillory and Stocks, shall be erected, built, and finished, the Justices of the Court of the said County (by their order) shall, and are hereby directed and required, to adjourn the said Court from the old Court House where the same is now held, to the new Court House so to be erected and built by Virtue of this Act; and all Suits, Actions, Complaints, Pleas, and other Matters and Things, before the said Court then depending and undetermined, shall stand adjourned and continued accordingly; and all and every Person and Persons having Day in the said Court, and all witnesses, bound and obliged to appear at the same, according to such Adjournment.

VII. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, Clauses, Article and Articles thereof, for any Matter or thing within the Purview of this Act, shall henceforth be repealed and made void.

CHAPTER XXI.

An Act to prevent the unreasonable Destruction of Fish in Neuse River, Tar River, Fishing Creek, Rockey River, the South Fork of Catawba River, the South Fork of the Yadkin River, and Cotentney Creek.

(Printed in Private Acts, *post.*)

CHAPTER XXII.

An Act, to amend an Act, intituled, An Act for establishing the Titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town, and for the Further Improvement and better Regulation thereof.

(Printed in Private Acts, *post.*)

CHAPTER XXIII.

An Act to amend an Act, intituled, An Act for regulating the Pilotage of Cape Fear River, and for other Purposes.

I. Whereas the Rates allowed for Pilotage by the before recited Act, are inadequate to the expence of Boats and Hands proper to be employed in so material a Service:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, all Pilots Duly Authorized by a Branch from the Governor, or Commander in Chief for the Time being, may take and receive the following Rates for each Vessel they shall pilot over the Bar to Brunswick, and back again to sea, to-wit:

For a Vessel when loaded, drawing Six Feet of Water, the Sum of Two Pounds Ten Shillings.

For a Vessel when Loaded drawing Seven Feet of Water Two Pounds Fifteen Shillings.

For a Vessel when loaded drawing Eight Feet, Three Pounds.

For a Vessel when loaded drawing Nine Feet, Three Pounds Ten Shillings.

For a Vessel when loaded drawing Ten Feet, Three Pounds Fifteen Shillings.

For a Vessel when loaded drawing Eleven Feet, Four Pounds Ten Shillings.

For a Vessel when loaded drawing Twelve Feet, Five Pounds Ten Shillings.

For a Vessel when loaded drawing Thirteen Feet, Six Pounds Ten Shillings.

For a Vessel when loaded drawing Fourteen Feet, Seven Pounds Ten Shillings.

For a Vessel when loaded drawing Fifteen Feet, Eight Pounds Ten Shillings.

For a Vessel when Loaded, drawing Sixteen Feet, Nine Pounds Ten Shillings.

For a Vessel when loaded drawing Seventeen Feet, Eleven Pounds.

For a Vessel when loaded drawing Eighteen Feet, Thirteen Pounds.

III. And be it further Enacted, by the Authority aforesaid, That any Pilot appointed to pilot Vessels from Brunswick to Wilmington, and back, shall and may receive one Half the aforesaid Rates; and if only to the Flats, and back to Brunswick, then one Fourth of the said Rates; Respect being had to the particular Draught of Water such Vessel can Draw.

IV. And whereas by the before recited Act, it is enacted, that before any Person obtain a Branch to be a Pilot, such Person must give Bond, with Two sufficient Securities, to the Governor or Commander in Chief for the Time being, in the Sum of Five Hundred Pounds, Proclamation Money, for the Due and faithful Discharge of his Office, which by experience has been found inconvenient for many Pilots to procure; Be it therefore Enacted by the Authority aforesaid, That from and after the passing of this Act, no larger Sum than Two Hundred Pounds, Proclamation Money, shall be required of any Persons that shall be recommended as Pilots.

V. And whereas some of the Pilots of Cape Fear River are very negligent in giving due attendance, when called upon, to carry Vessels up or Down the River, Be it therefore Enacted by the Authority aforesaid, That when any Pilot shall have notice from the Master of any Vessel to attend

in transporting such Vessel, and shall fail immediately to go on Board for that Purpose, the Pilot having such Notice, shall forfeit and pay the Sum of Thirty Shillings, Proclamation Money (unless he shall actually have charge of some other Vessel), for each and every Day's Delay of such Vessel, by Means of such Pilot's Neglect; to be recovered by a Warrant from under the Hand of One of the Commissioners, on due Proof thereof to such Commissioner; and the Money so recovered, to be applied to the Use of the Master or Owner of the Vessel for which Complaint is made. -

VII. And be it further Enacted, by the Authority aforesaid, That if any white Person or Persons shall be convicted of cutting down, taking up, removing, or wilfully destroying any Beacon, Buoy, Stake, or other Mark heretofore erected, or to be erected or placed within the said River, such Person shall forfeit and pay Twenty Pounds, Proclamation Money, for each and every Offence; to be recovered and applied as aforesaid: And in Case any Negro shall be guilty of the same Offence, the Master of such Negro shall be subject to the Penalty of Five Pounds, Proclamation Money; recoverable, and to be applied in the same Manner.

VIII. And be it further Enacted by the Authority aforesaid, That if any white Person do, or shall hereafter make fast any Raft, Pettiaugua, or other Boat, to any Stakes, Buoys, or Beacons, within the said River, the Person so offending shall forfeit and pay Five Pounds, Proclamation Money; and any Negro guilty of the like Offence, the Master or Owner of such Negro to be liable to the like Forfeiture; to be recovered and applied as other Fines by this Act are directed.

CHAPTER XXIV.

An Act for erecting a Court House and Prison, for the Use of the District of Edenton.

I. Whereas it is necessary that a new Court House and Prison should be built for the Use of the District of Edenton;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Mr. Cullen Pollock, Mr. Joseph Hewes, Mr. Thomas Nash, Mr. Edward Vail, and Mr. William Lowther, be, and are hereby nominated and appointed Trustees and Directors, for building and erecting a good and convenient Court House, and sufficient Prison, for the Use of the District aforesaid; and for that Purpose, to contract and agree with proper Persons for compleating and Finishing the said Court House and Prison, in such Manner as they shall think necessary and Convenient.

III. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of One Shilling be levied on each Taxable Person within the County of Chowan, and of Four Pence on each taxable Person within the Counties of Currituck, Pasquotank, Perquimons, Bertie, Tyrrel, and Hertford; to be collected for the present and next succeeding Years, by the Sheriffs of the said Counties respectively, and accounted for and paid to the said Trustees and Directors, at the same time, in the same manner, and under the like Penalties as is by Law directed for collecting, accounting for, and paying Public taxes.

IV. And whereas by an Act of Assembly passed at New Bern, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, for applying certain Monies, to be collected on the Tonnage of Vessels, to enable

the Commissioners of Port Roanoke to amend the Navigation of the said Port, and for other Purposes; and whereas the said Monies never have Been, or is there any Probability that the same ever will be applied for the Purposes aforesaid, but still remain in the Hands of the Commissioners, or the Receiver of the said Duty; Be it therefore Enacted by the Authority aforesaid, That the said Commissioners, and the said Receiver, shall, immediately from and after the passing of this Act, pay to the Trustees and Directors, for building the said Court House and Prison, all such Sum and Sums of Money as shall remain in their Hands not applied agreeable to the Act of Assembly aforesaid; and to be replaced and refunded at such Time, and in such Manner, as the Governor, Council, and Assembly, shall think Proper.

V. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said Trustees and Directors are hereby required and impowered to sell and dispose of, for the best Price that may be had, the old Court House, Prison, and other Public Buildings, that are now standing on the Public Lots in the Town of Edenton.

VI. And be it further Enacted, by the Authority aforesaid, That the said Trustees and Directors shall apply all such Monies as shall come to their Hands in Virtue of this Act, and such other Sum or Sums of Money as they shall obtain by the Voluntary Donations of Gentlemen and others, towards building and erecting the said Court House and Prison, in such Manner as to the said Trustees and Directors shall seem most convenient.

VII. And be it further Enacted, by the Authority aforesaid, That before the said Trustees and Directors shall enter upon their said Trust, or take into their Hands any of the Monies aforesaid, they shall enter into Bond, in the Sum of Two Thousand Pounds, payable to his Excellency the Governor, and to his Successors, with Condition for the faithful Discharge of the several Trusts in them reposed by this Act; and that they will, from Time to Time, and at all Times when they shall be called upon, lay a Just State of their Transactions before the Assembly, or such Committee as shall be appointed to settle and adjust the Public Accounts; which Bond shall be lodged with the Clerk of the Superior Court for the District of Edenton.

VIII. And be it Enacted, by the Authority aforesaid, That if the Taxes, or other Monies arising in Virtue of this Act, shall be more than sufficient to compleat the Buildings herein directed, the Surplus thereof shall, by the Trustees herein Named, be paid to the Court of Each County, in Proportion to the Number of Taxables collected from each of the said Counties, and paid by the Sheriff to the Trustees.

CHAPTER XXV.

An Act for joining the Navigation of Old Topsail Inlet to Neuse River, by cutting a Navigable Canal from the Head of Harlow's Creek to Club Foot's Creek.

I. Whereas the Navigation of the River Neuse is not sufficient for Vessels of great Burthen, by reason of the small Depth of Water through the Swatch leading from Ocacock Bar into the Sound; and the Inlet of Old Topsail being very safe and Navigable for Vessels of Great Burthen, where they may ride within the same in a safe and Commodious Harbor, the Navigation of which may be joined to the River Neuse, by cutting a Canal, a small Distance, from the Head of Harlow's Creek to the Head of Club Foot's Creek:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the same, That the following Persons are hereby appointed Commissioners, for overseeing, designing, and laying out the same Canal, to-wit, Samuel Cornell, John Smith, Parmenius Horton, John Benners, James Davis, William Cole, Richard Cogdell, John Easton, Henry Stanton, Christopher Neale, and William Burden; and that they or the Majority of them, are hereby constituted and appointed Commissioners of said Navigation, with full Power and Authority, to lay Off and Plan, and design a navigable Canal, from the Head of Harlow's Creek to Club Foot's Creek, in the Manner that to them shall best seem to perfect the Navigation through the same, and answer the Intention of this Act.

III. And whereas many Public Spirited Gentlemen, being willing to further a Work of such an interesting Nature to a Commercial Country, have offered to contribute to the same, by either paying in Sums of Money, or sending their Slaves to Work in cutting the said Canal; Be it therefore Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, are hereby impowered, from Time to Time, to receive subscriptions, from any Person or Persons who may be willing to contribute to the said Undertaking; and that when any Sum or Sums of Money may be subscribed thereto, and the same shall not be regularly paid, the said Commissioners or the Majority of them, are hereby directed and required, to commence Actions for the same, in any Court of Record of this Province, having Cognizance thereof; and to prosecute the same to a full Recovery of all such Sum or Sums.

IV. And be it further Enacted by the Authority aforesaid, That when the said Commissioners shall have designed and laid out the said Canal, and shall have received any Subscriptions of Monies to carry on the same, that they immediately employ Hands to work on the said Canal at the most reasonable Rates that may be got, and appoint such and so many overseers of the said Work as they shall think necessary for conducting the same; And that the said Commissioners, as often as may be necessary, are hereby directed to meet at some convenient Place, to give necessary Orders and Directions towards furthering the said Canal.

V. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, and they are hereby Authorized and impowered, to cut the said Canal through any Person's Land, where it shall be necessary to continue and Carry the same; any Law, Usage, or Custom to the contrary notwithstanding.

CHAPTER XXVI.

An Act to impower the Church Wardens and Vestrymen of St. John's Parish, in the County of Bute, to appropriate the Surplusage Money levied for erecting the public Buildings in said County to the use of the said Parish of St. John's.

I. Whereas by an Act of Assembly, intituled, An Act for erecting Part of St. Philip's Parish, in New Hanover County, and the lower Part of Bladen County, into a separate County, by the Name of Brunswick County; and for dividing the County of Granville, and erecting that Part thereof, St. John's Parish, into a separate and distinct County, by the Name of Bute County, a Poll Tax of Three Shillings, Proclamation Money, per Annum, for Two Years, was levied on each Taxable Person in the said County of Bute, for the Purpose of erecting and building a Court House, Prison, Pil-

lory and Stocks, for the use of the said County of Bute; which said Tax when collected, was directed to be paid into the hands of Mr. Solomon Alston, Mr. William Johnston, and Mr. Julius Nichols, or a Majority of them, Commissioners appointed for erecting and building the Court House, Prison, Pillory, and Stocks; and that the overplus of the Money arising from the said Tax, after compleating and finishing the said Buildings, was by the said Act directed to be accounted for by the said Commissioners to the Justices of the said County of Bute, and applied towards defraying the contingent Charges of the said County: And whereas there is a Considerable Sum of Money, arising from the said Tax, after paying for the said Buildings still remaining in the Hands of the aforesaid Commissioners unaccounted for by them to the Justices of the said County; and the present Gaol of the said County being found insufficient:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That such Surplus Money so arising and remaining as aforesaid, shall be applied, in the First Place, to the Building and erecting of a good, strong, and sufficient Gaol, for the said County, upon such Plan, and in such Manner, as may be agreed on by a Majority of the Commissioners aforesaid; which Gaol shall be contracted for and finished under the like Directions and Regulations, as the other Public Buildings in the said County, by the said before mentioned Act are directed to be built.

III. Be it further Enacted, by the Authority aforesaid, That the said Solomon Alston, William Johnston, and Julius Nichols, Commissioners as aforesaid, are hereby directed and required, to account for the Money, collected by said Tax, within the Inferior Court of the said County of Bute; and to pay over whatever surplus may be remaining in their Hands (after paying for the Public Buildings already erected in the said County, and the Gaol directed by this Act to be built) into the Hands of the Church Wardens of St. John's Parish, in the said County of Bute; by them to be applied towards defraying the Parish Charges; any Law to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That in case the said Commissioners, or any of them, shall fail, neglect or refuse, to account for and pay, as in and by this Act directed, the Overplus of the said Tax; that then it shall and may be lawful for the Superior Court of the District of Halifax, on Motion of the Church Wardens and Vestrymen of St. John's Parish, to give Judgment against the said Commissioners or the Survivor or Survivors of them, for all such Sums of Money as he or they shall have in his or their Hands, unaccounted for, with Costs, and to award execution thereon: Provided such Commissioner or Commissioners have Ten Days previous Notice of such Motion.

CHAPTER XXVII.

An Act for ascertaining the Boundary Lines between the Counties of New Hanover and Duplin.

I. Whereas Disputes daily arise between the Inhabitants of New Hanover and Duplin, by Reason of the Boundary Line not being sufficiently ascertained:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Honorable John Sampson, Esq., John Ashe, Felix Kennon, and Alexander Lillington, Esquires, are hereby appointed Commissioners for running out the dividing Line between the

said Counties of Duplin and New Hanover; which said Commissioners, or any Three of them, shall meet on some time within six Months after the passing of this Act, and shall run and lay off the Boundaries between the said Counties, in the following Manner, to-wit, That Rock Fish Creek shall be the Boundary, from the Mouth thereof to where Doctor's Creek branches from the same; then up Doctor's Creek one Mile above the House of Mr. George Maires; thence running a direct Line to the Corner made by Arthur McCoy on South River; and the said Line when run, shall forever after be deemed the Boundary Line between the said Counties of New Hanover and Duplin.

III. And be it further Enacted, by the Authority aforesaid, That the Justices of the Peace of the said County of Duplin, are hereby impowered and directed, to defray the Expence of running the said Dividing Line out of the County Tax.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of New Hanover County, as the same now stands, to make Distress for any Levies, Fees, or other Dues, that are due, or that shall be due the Tenth Day of March next from the Inhabitants of the said County of New Hanover; but that he may make distress in the same Manner as by the Law the said Sheriff could or might have done, if the said dividing Lines had remained without Alteration; and the said Levies, Fees, or other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the Contrary, notwithstanding.

CHAPTER XXVIII.

An Act to encourage Benjamin Heron, Esq., to build a Bridge over the North East Branch of Cape Fear River, at or near the Place where the Ferry is now Kept by Edward Davis.

CHAPTER XXIX.

An Act for confirming a lease made by the Tuscarora Indians to Robert Jones, Jun., William Williams, and Thomas Pugh, Esquires.

Signed by

WILLIAM TRYON, ESQ., Governor.

James Hasell, President.

JOHN HARVEY, Speaker.

Read three times and Ratified in Open Assembly the 1st Day of Dec., 1766.

LAWS OF NORTH CAROLINA, 1766.

At an Assembly, begun and held at New Bern the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-six and from thence continued, by Prorogation, to the Fifth Day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty-Seven; Being the Second Session of this present Assembly. *William Tryon, Esq., Governor.*

CHAPTER I.

An Act for dividing this Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein; and for Providing adequate Salaries for the Chief Justice, and the Associate Justices of the said Superior Courts.

I. Whereas the establishing Superior Courts of Justice within this Province cannot be productive of Ease and Convenience to the Inhabitants thereof, and must necessarily tend to a due and regular administration of Private as well as public Justice:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, this Province be, and stand divided in Six several Districts; that is to say, the Wilmington, New Bern, Edenton, Halifax, Hillsborough and Salisbury Districts; in each of which a Court for the Tryal of Causes, Civil and Criminal, shall be established, by the Name of the Superior Court of Justice for that District in which the same shall be held; which Courts shall consist of the Chief Justice for the Time being, and two Associate Justices, Men of ability, and learned in the Law, whom the Governor or Commander in Chief for the Time being shall constitute and appoint, who shall have Cognizance and legal Jurisdiction of all Suits and Pleas, real and Personal, and mixt, and also of all Suits and Matters relative to Legacies, filial Portions, Estates of Intestates, all Pleas of the Crown, whether for Treasons, Felonies, Breaches of the Peace, or other Crimes or Transgressions, of what Nature or Degree soever, whether brought before them by Original or Mesne Process, or by Writ of Error, or Appeal from any Inferior Court, or by any other Means or Process whatsoever; and they are declared hereby to have full Power and Authority to give Judgment therein and to award Execution, and all necessary Process thereupon; and to make Orders for issuing Letters Testamentary, and Letters of Administration; and shall use, exercise, and enjoy the same Powers and Authorities, Rights, Privileges, and Pre-eminences, as are had, used, exercised, and enjoyed, by the Chief Justice or any of his Majesty's Justices of the Courts of Westminster, England; And in Case of the Death or Absence of the Chief Justice, or either of the other Justices, it shall and may be lawful for any one or more of the said Justices, by himself or themselves, to hold any of the said Court, and to take Cognizance of all Matters in the same depending, and give Judgment

and award Execution, in the same Manner as might have been done in Case the Chief Justice, and the Two other Justices, had been all present in Court.

III. And be it further Enacted by the Authority aforesaid, That the Chief Justice or either of the Associate Justices, may, as well within Court as without, take the Probate or Acknowledgement of Deeds, or Letters of Attorney, and the Private Examination of Feme Coverts, as hath heretofore been done by the Chief Justice in the like Cases; and such Associate Justice is hereby Authorized, to take and receive the same Fees and Perquisites, as the Chief Justice is entitled to for the like Services; which Proof shall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Usage to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That on the Death or removal of any of the Associate Justices of the Superior Courts, it shall and may be lawful for the Governor or Commander in Chief for the Time Being, to constitute and appoint another or other Justices qualified as aforesaid, in the Room of such Justice or Justices so dead or removed.

V. And be it further Enacted, by the Authority aforesaid, That the Chief Justice is hereby impowered to appoint experienced and Discreet Clerks of the Superior Courts; who shall each of them give Bond, with good and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of Two Thousand Pounds, for the Safe Keeping of the Records, and Faithful Discharge of his Duty in Office; and also shall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and subscribe the test, and also take an Oath, honestly and truly to demean himself in Office during his Continuance therein; and likewise the following Oath, to-wit:

I, A. B., do swear that by myself, or any other Person, I neither have nor will give to any Person whatsoever, any Gratuity, Gift, Fee, or Reward, in consideration of my appointment to the Office of Clerk of the Superior Court, for the District of ——— Which said bond shall be lodged in the Secretary's Office and in Case of a Breach of the Condition thereof, may be put in Suit for the Benefit of, and at the proper Costs and Charges of the Party or Parties injured, and shall not become void upon the First Recovery, or if Judgment shall be given against the King; but may from Time to Time, be put in Suit by Action of Debt, or Scire Facias, until the Whole Penalty shall be recovered; and when any Judgment shall be obtained upon such Bond, the Damages assessed shall, by Order of the Court, be paid to the Person or Persons injured.

VIII. And be it further Enacted, by the Authority aforesaid, That the respective Clerks of each and every Superior Court of Justice, shall, within Six Months after the passing of this Act, affix, and keep in some public Place in his Office, to which all Persons may have Access, one true and perfect printed Copy of all such Fees as the Chief Justice, and the Clerks of the Superior Courts are, or may be entitled to, under the Act of Assembly in that Case made and Provided: And every Clerk failing or neglecting so to do, shall forfeit and pay, to any Person that will sue for the same, the Sum of Twenty Pounds, Proclamation Money, for every Six Months such printed Copy shall be wanting; To be recovered by Action of Debt, in any Court of Justice, Wherein the Onus Probandi shall be on the Defendant.

IX. And be it further Enacted, by the Authority aforesaid, That each of the Associate Justices of the Superior Courts of Justice, shall, for his Trouble and expence in travelling to, and holding the said Courts, have and

receive for each and every Court he shall attend, out of the Public Treasury of this Province, by Half Yearly Payments, the Sum of Forty One Pounds Thirteen Shillings and Four Pence, Proclamation Money.

XIII. And be it further Enacted, by the Authority aforesaid, That an Annual Duty of Ten Shillings, Proclamation Money, be, and is hereby laid on each Coach, Chariot, Post Chaise, Phaeton, Curricule, and Chair Wheel; and also each Wheel of every other Vehicle used, or intended to be used in the same or a Similar Manner to the Use and Intention of either of the above named Carriages, which now is, or shall hereafter be within this Province.

XIV. And for the more certain Collection of the said Duty, Be it further Enacted, That each and every Person in this Government, being possessed of any Coach, Chariot, Post Chaise, Phaeton, Curricule or Chair, or any other Wheeled Vehicle used, or intended to be used in the same or similar Manner to the Use and Intention of either of the above named Carriages, shall, annually, at the Time of giving in a List of the Tythable Persons in his or her Family, also return on Oath, the Number of Wheels belonging to any of the Vehicles above mentioned, which such Person or Persons may be possessed of: And if any Person shall Fail or Neglect so to do, he or she, for each and every Offence, shall forfeit and pay the Sum of Ten Pounds, Proclamation Money.

XV. And be it further Enacted, by the Authority aforesaid, That the Duty hereby laid on Wheels, by Virtue of this Act, shall be collected, accounted for, and paid into the Public Treasury by the Sheriffs of the respective Counties within this Province, in the same Manner, and under the same Rules, Penalties, Restrictions, and allowances, as other Public Taxes are collected, accounted for, and paid.

XVI. And be it further Enacted, by the Authority aforesaid, That the said Superior Courts shall and may each of them, respectively by summons, or other legal Process, upon Application made, compell any Person or Persons whatsoever, having in their Possession or Custody, any Will or Testament of any deceased Person, to exhibit the same to the Court, in order to a legal Probation thereof; and also to receive the Probate of Wills, and order the same to be recorded; and the Clerks shall and may take Two Shillings and Eight Pence, Proclamation Money, for recording each Will.

XVII. Provided always, That any Person who has a right to execute a Will, or to administer on the Estate of any Intestate, who shall think himself injured by such Order, may enter a Caveat in the Court wherein such Order shall be made, against the Person obtaining the same; in which Case the Clerk of such Court shall not grant any Certificate of such Order till Twenty Days after passing the same; and the Secretary and his Deputy shall forbear to seal and countersign Letters Testamentary, or of Administration, till the Matter in Controversy shall be reheard and determined before the Governor or Commander in Chief for the Time being, and Council.

XVIII. And for the better preserving of Wills proved before the said Courts, Be it Enacted by the Authority aforesaid, That all Original Wills shall remain in the Clerk's Office, amongst the Records of the respective Superior Courts where they shall be proved and be recorded by the Clerk of such Court, in Books to be kept for that Purpose; whereunto any Person may have recourse as to other Records, except for the Time the same shall or may be removed before any other Court, upon the Determination of any Controversy; for which Service, the Clerk shall receive the same Fees as by Law the Secretary was entitled to.

XIX. And be it further Enacted, by the Authority aforesaid, That the Clerk of every Superior Court aforesaid, in the Month of October annually, shall return to the Secretary's Office, a List of all Certificates for obtaining Probates, or Administrations, granted by their respective Courts, from Time to Time, containing the Names of the Testators, or Intestates, the Executors or Administrators, and the Names of the Securities; which list the Secretary is hereby required to cause to be recorded in his Office, alphabetically, in the Books for that Purpose; and shall and may take and receive, Two Shillings and Eight Pence, Proclamation Money, for every such Order therein mentioned.

XX. And be it therefore Enacted, by the Authority aforesaid, That the Chief Justice, for his Trouble and Expence in attending the said Courts, shall have and receive the Sum of Twenty Six Pounds for each of the Courts he shall hold, according to the Directions of this Act; and the Attorney General shall likewise be allowed and receive the Sum of Sixteen Pounds for each of the said Courts he shall give his Attendance at by himself, or Deputy; to be paid out of the Public Treasury by half yearly Payments.

XXI. And be it further Enacted by the Authority aforesaid, That the Chief Justice, and the other Associate Justices of the Superior Courts, shall, before they Act in either of the said Courts, take the Oaths by Law appointed for the qualification of Public Officers, and repeat and subscribe the Test; and also take the following Oath, to-wit:

I, A. B., do swear, that I will Well and truly serve our Sovereign Lord the King, and his People, in the Office of Chief Justice, or Associate Justice (as the case may be) of the Superior Courts of Justice of the Province of North Carolina; and I will not counsel or assent to any Thing that may tend to the Hurt or Disinheriting the King: I will do equal Law and Right to all the King's Subjects, Rich and Poor, without having regard to any Person: I will not Willingly or Wittingly, take by myself, or any other Person, any Gift or Reward whatsoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed: I will not maintain myself or any other, privately or openly, any Plea or Quarrel hanging in any of the King's Courts: I will not delay any Person of Common Right for the Letter of the King, or any other Person, to me directed, for any Cause; and in case any Letters come to me contrary to Law, I will do nothing for such Letters, but will Proceed to do the Law, the said Letters notwithstanding: And finally in all Things belonging to my said Office, during my Continuance therein, I will faithfully, truly and justly, according to the best of my Skill and Judgment, do equal and Impartial Justice. So help me God.

And if the Chief Justice, or either of the Associate Justices, shall presume to act in his Office in either of the Superior Courts, without taking the Oaths herein appointed and directed, and subscribing the test, he shall forfeit Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in either of the Superior Courts of Justice; one Half to the Use of our Sovereign Lord the King, for defraying the Charges of Government, and the other Half to the Person or Persons who shall sue for the same.

XXII. And be it further Enacted by the Authority aforesaid, That the Superior Courts of Justice shall be annually held, for the several Districts in this Province, at the following Times and Places; That is to say, for the District of Salisbury, at the Town of Salisbury, for the Counties of Rowan, Mecklenburg and Anson, on the Fifth Day of March and September. For the District of Hillsborough, at Hillsborough, for the Counties of Orange

and Granville, on the Twenty Second Day of March and September. For the District of Halifax, for the Counties of Halifax, Northampton, Edgcomb, Bute and Johnston, on the Eighth Day of April and October. For the District of Edenton, at Edenton, for the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrel and Hertford, on the Twenty Fifth Day of April and October. For the District of New Bern, at New Bern, for the Counties of Craven, Carteret, Beaufort, Hyde, Dobbs, and Pitt, on the Eleventh Day of May and November. For the District of Wilmington, at Wilmington, for the Counties of New Hanover, Bladen, Onslow, Duplin, Cumberland, and Brunswick, on the Twenty Seventh Day of May and November. And each Term shall continue Ten natural Days, exclusive of Sundays, by adjournment *De die in Diem*, if the Business shall require so long a Time, otherwise may be sooner determined.

XXIII. Provided always, That if the Day by this Act appointed for holding any of the said Courts shall fall on a Sunday, then such Court shall be held the next succeeding Day; any Thing herein contained to the contrary notwithstanding.

XXIV. And be it further Enacted by the Authority aforesaid, That all real Actions, Ejectments, and Actions of Trespass, *Quare Clausum Fregit*, Suits on Penal Statutes, and Pleas of the Crown, shall be commenced in the Superior Court of the District wherein the Cause of Action shall have arisen, or the Offence have been committed, and not in any other District; And all Actions of Debt, other than on Penal Statutes, all Actions of Detinue, *Replevin*, Actions of Account Render, Actions of Trespass, for Assault and Battery, and for the unlawful taking of Goods; all Actions upon the Case, and Suits for Legacies, and for the Distributive Shares of Intestates' Estates, shall be brought to the Superior Court of that District wherein the Cause of Action arose, and not to any Other.

XXV. And be it further Enacted by the Authority aforesaid, That no Suit shall be originally Commenced or prosecuted in any of the said Superior Courts for any Debt or Demand of less Value than Twenty Pounds, Proclamation Money, where the Plaintiff and defendant shall live in the same District, or less than Ten Pounds like Money, where the Plaintiff and Defendant shall not live in the same District; and if any Suit shall be commenced in any of the said Superior Courts, contrary to the true Intent and Meaning hereof, or if any Plaintiff shall demand a greater sum on Purpose to evade this Act, in either or both of these Cases, the Plaintiff shall be non-suited and pay Costs.

XXVI. And be it further Enacted by the Authority aforesaid, That the said Courts shall not be discontinued, nor any of the Proceedings therein depending, by Reason of the Death of the Chief Justice, or any of the Associates, or any other Lett or Hindrance, their not attending at any Term; but in such Case, all Pleas, Causes, Matters, and Things therein depending, shall stand continued in the same Condition in which they then shall be, to the next succeeding Term.

XXVII. And be it Enacted by the Authority aforesaid, That all Writs, as well Original Writs as others, and every Summons, and other legal Process, shall bear test of the Chief Justice, and be signed by the Clerk of the Court from whence the same shall issue, and be made returnable to the same Court; and the Sheriff shall return the said Writ or Process to such Court Accordingly.

XXVIII. And be it further Enacted by the Authority aforesaid, That until the Commencement of the First Term of each of the said Superior Courts, respectively, Writs and other Process may bear test at the Time of issueing

the same; and such Writs and Process so tested before such Term, shall be valid in Law; any Usage or practice of Court to the contrary notwithstanding.

XXIX. And be it further Enacted by the Authority aforesaid, That all such Writs or Process, except Subpoenas for Witnesses, returnable immediately, shall be returned to the First Day of the Term to which the same is returnable, and be executed at least Ten Days before the Beginning of such Term; And if any original or Mesne Process shall be taken out in Term Time, or within Ten Days before the Beginning of any Term, such Process shall be made Returnable to the Term next succeeding, or the Term succeeding that which shall commence within Ten Days after taking out such Process, and not otherwise; and all Process made returnable, or executed at any other Time, or in any other Manner than by this Act directed, shall be void.

XXX. Provided always, That nothing herein contained shall be construed to invalidate or vacate any Process, Warrant or Precept, issued by the Chief Justice, or either of the Associate Justices of the said Courts, or any Justice of the Peace, or Clerk of the Crown, on any Criminal Prosecution in his Majesty's Behalf, but that the same may be returnable at any Day in the Term to which the same is returnable; and the Proceedings in Criminal Suits and Prosecutions, shall be had according to the Laws and Statutes of Great Britain, and of this Province; any Thing herein contained to the contrary notwithstanding.

XXXI. And be it further Enacted by the Authority aforesaid, That when any Writ shall issue from any of the said Courts, whereby the Sheriff shall be Commanded to take the Body of any Person or Persons, to answer in any Action in either of the said Courts, such Sheriff shall take Bond, with Two sufficient Securities, for double the Sum for which such Person or Persons shall be held in Arrest except where the Defendants are Executors or Administrators, or sued on penal Statutes, and shall return such Bond with the Writ: And in Case the Sheriff shall fail or neglect to take such Bail, or the Bail returned be held insufficient, on exception taken, the Sheriff, in either of the said Cases, shall be deemed and stand as special Bail, and the Plaintiff may proceed to judgment, according to the Rules hereinafter mentioned.

XXXII. And be it further Enacted by the Authority aforesaid, That when any Sheriff shall return that he hath taken the Body of any Defendant, and Committed him to the Prison of his County, which is hereby declared to be the Proper Prison for such Commitment, for want of Bail, the Plaintiff may enter the Defendant's Appearance, and he shall be at Liberty to plead, as if such Appearance had been entered by himself, and the Plaintiff may Proceed to judgment as in other Cases in this Act directed; nevertheless the Defendant shall not be discharged out of Custody, but by putting in Bail, or rule of Court.

XXXIII. And be it further Enacted by the Authority aforesaid, That if the Sheriff shall neglect to return any Writ or Writs issuing out of any of the said Courts, which shall be delivered to him Twenty Days before the sitting of the Court to which such Writ or Writs shall be returnable the Sheriff, for every such Neglect, on motion of the Plaintiff, and Proof of such Delivery, shall be ordered and obliged to pay the Party aggrieved the Sum of Five Pounds, Proclamation Money, and be further liable to the Action of the Party injured, unless the Sheriff can shew sufficient Cause to the Court from whence such Process Issued, at the next succeeding Court after such Order.

XXXIV. And be it further Enacted, That all Bail taken according to the Directions of this Act, shall be deemed, held, and taken to be special Bail, and as such liable to the Recovery of the Plaintiff; but the Plaintiff after final Judgment, shall not take out Execution against such Bail, until an Execution be first returned, that the Defendant is not to be found; and also take out a Scire Facias, returnable to the said Court, which shall be made known to the Bail; and that after the Return of the such Execution against the Principal, and Scire Facias aforesaid against the Bail, Execution may Issue against the Principal and Securities, or either of them, or either of their Estates, unless the Bail shall Surrender the Principal at or before the Return of the First Scire Facias; any Law, Usage or Custom, to the contrary, notwithstanding.

XXXV. Provided nevertheless, That if any Sheriff shall return on a Scire Facias to him directed that the Principal is imprisoned in the Prison of his County, or any other, by Virtue of any Process in any Civil Action, the Court to which such Scire Facias is returnable shall, on Motion of the Plaintiff or Bail, order and direct that such Principal be retained in Gaol where he or she shall be a Prisoner, until he or she shall have paid the Plaintiff's Judgment and Costs, or be otherwise discharged by due Course of Law; a Copy of Which Order being served on the Gaoler of such Prison, before such Prisoner's Releasement, shall be a Sufficient Authority for him to retain such Prisoner until such order shall be complied with, and also shall be deemed a Surrender of such Principal, and as such discharge the Bail.

XXXVI. And for the better ascertaining what Process shall Issue, when the Sheriff shall return that the Defendant is not to be found in his Bailiwick, Be it Enacted, That when the Sheriff shall make such Return in any Civil Action, the Plaintiff or Plaintiffs, at his or their election, may sue out an Attachment against the Estate of such Defendant, or an Alias or Pluries Capias, until he be arrested returnable as hereinbefore directed for the Return of Original Process: and if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to plead within the time herein directed, the Plaintiff shall be entitled, if in an Action of Debt to final Judgment, and if in an Action on the Case a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next Court; and the Goods so attached, if not replevied or sold, according to the Directions hereinafter Mentioned for goods attached on original Attachments, shall remain in the Custody of the Sheriff till such Judgment obtained, and then to be disposed of in the same Manner as goods taken in Execution on a Writ of Fieri Facias; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

XXXVII. And be it further Enacted, by the Authority aforesaid, That it shall be lawful for the Chief Justice, or the Justices of the said Superior Courts or any Justice of any Inferior Court, upon Complaint made by any Person his attorney or Agent, on Oath, that his Debtor has removed, or is removing himself out of the County privately, or absconds or conceals himself, so that the Ordinary Process of Law cannot be served upon him; and also further swear to the amount of his or her Debt, to the Best of his or her Knowledge shall thereupon grant an Attachment against the Estate of such Debtor, wherever the same may be found, or in the Hands of any Person or Persons indebted to, or having any of the Effects of the Party absconding, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of such Complaint; which attachment shall be returned to the Court where the Debt or Matter is Cognizable: And such Attachment

shall be deemed the leading Process on such Action, and the same Proceedings shall be had thereon as on an Attachment on a Return of a Non est Inventus by the Sheriff.

XXXVIII. Provided always, That every such Justice before granting such Attachment, shall take Bond and Security of the party, for whom the same shall be issued, in double the Sum to be attached for, payable to the Defendant, for satisfying and paying all Costs which shall be awarded to the said Defendant, in Case the Plaintiff suing out such Attachment should be cast in his Suit, and also all Damages which shall be recovered against the said Plaintiff for suing out such Attachment; which Bond shall be returned to the Court to which the Attachment is returnable, by the Justice who shall grant the same: And every Attachment issueing without such Bond Taken, and returned as aforesaid, and Oath made as aforementioned, is hereby declared void, and shall be abated on the Plea of the Defendant.

XXXIX. And be it further Enacted, That when any Person, Inhabitant of any other Government, shall be indebted to, or hath done any Tort or Injury to any Person, a Resident of this Province, and cannot personally be served with Process, and hath Effects in this Government, any of the said Justices may grant an Attachment against the estate of such Person indebted, or who hath done any Tort or Injury as aforesaid, under the Rules, Restrictions and Regulations, aforementioned, and the same proceedings may be had thereon.

XL. And be it further Enacted by the Authority aforesaid, That when any Goods or other Estate, shall be attached by Virtue of an Attachment, whether judicial or original, it shall and may be lawful for any Person or Persons, his, her, or their Attorney, to replevy the same, by giving Bond with good Security, to the Sheriff or other Officer serving the said Attachment (which Bond the Sheriff or other Officer is hereby empowered and required to take) to appear to the Court to which such Attachment is returnable, and to abide by, perform, and satisfy, the Order and Judgement of such Court, and when the Estate attached shall, by Three Justices of the County (to be summoned, by the Sheriff for that Purpose) be certified, on Oath to be Perishable, if the Person or Persons to whom it belongs shall not, within Thirty Days after serving such Attachment, replevy the same, then such Estate shall be sold at public Vendue, by the Sheriff or other Officer serving such attachment, having first advertised such Sale at the Court House, and other Public Places in his County, at least Ten Days before the Sale; and the Money arising by such Sale shall be liable to the Judgment obtained upon such Attachment, or other Order of such Court: And where the Sheriff or other Officer shall serve an Attachment in the Hands of any Person or Persons, indebted to, or having any of the Effects of the Party absconding, he shall at the same Time, summons such Garnishee or Garnishees to appear at the Court to which the Attachment is returnable, within the First Four Days thereof, there to answer upon Oath, what he or she is indebted to such Party, and what Effects of such Party he or she hath in his or her Hands, and had at the Time of serving such Attachment: and where any Attachment shall be returned served in the Hands of any Garnishee in Manner aforesaid, it shall be lawful, upon his or her Appearance and Examination, in Manner aforementioned, to enter up Judgment, and award Execution against every such Garnishee or Garnishees, for all Sums of Money due from him, her or them, to the Person absconding, or in his, her, or their Custody or Possession, for the Use of the Party obtaining such Attachment, or so much thereof as shall be of Value sufficient to satisfy the Debt, and Costs of Complaint; and all Goods and Effects whatsoever, in the Hands of

any Garnishee or Garnishees, belonging to such Absconding Person, shall be liable to satisfy such Judgment: And where any Garnishee shall be returned by the Sheriff or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, in Manner by this Act directed, it shall be lawful, and the Court is hereby authorized, to enter a Conditional Judgment against such Garnishee; and if he shall fail to appear the next Court, and discover, on Oath, in Manner aforesaid, the Court shall, and are hereby required, to confirm such Judgment, and award Execution for the Plaintiff's whole Debt or Damages, and Costs.

XLII. And whereas Divers Persons possessed of Lands, Tenements, and Hereditaments, within this Province, have contracted, or who may contract Debts with Merchants and others, or have committed or may commit Torts or Injuries to Persons therein, and reside out of the Province, without having Personal Estate within the same to satisfy such Debts or Damages, For Remedy whereof, be it Enacted by the Authority aforesaid, That any Justice shall and may grant an Attachment at the Prayer of such Person or Persons, his or their Agent or Factor to whom such Debtor or Debtors shall be indebted, or to whom such Tort or Injury hath, or may be done, directed to the Sheriff of the County where the Lands lie, returnable to the Court wherein the same is Cognizable: And if the Sheriff return, that the Person has no Personal Estate within his Bailiwick, the Court shall grant Judgment by Default (which Judgment, in Actions of Debt, shall be final) at the next Court; and in other Actions, a Writ of Inquiry shall be Executed, on the Plaintiff's Motion, and a Writ of Fieri Facias shall be awarded, returnable to the next Court after such Final Judgment; which Writ the Sheriff is hereby empowered and directed to execute and return, in the same Manner, and under the same Rules and Restrictions, as other Writs of Fieri Facias within this Colony, are to be Executed and Returned.

XLIII. Provided always, That it shall be lawful for any Person, against whose Estate any Attachment has issued as aforesaid, at any time before such Final Judgment entered, or Writ of Enquiry executed, upon giving special Bail, to replevy the Goods attached, and plead to issue, so that the Plaintiff is not thereby delayed of his Tryal.

XLIII. And for Prevention of Error in issuing Attachments, and taking Bonds thereupon; Be it Enacted by the Authority aforesaid, That the following Form shall be observed and used; that is to say, the Attachment as followeth, viz.:

NORTH CAROLINA, ——— County—ss.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc. To the Sheriff ——— County, Greeting. Whereas A. B., hath complained on Oath to ——— Justice of the ——— Court ——— that E. F. late of your County, ——— is justly indebted to him in the Sum of ——— (or hath damaged him to the Amount of ———) and Oath having been also made that the said E. F. hath removed himself Privately out of your said County, or so absconds or conceals himself that the ordinary Process of Law cannot be served on him, and hath given Bond and Security, according to the Direction of the Act of Assembly in such Case made and provided: We therefore command you, that you attach the Estate of the said E. F. (if to be found in your Bailiwick) or so much thereof, repleviable on Security given, as shall be of Value sufficient to satisfy the said Debt, or Damages (according to the complaint) and Costs; and such Estate so attached, in your Hands to secure, or so to provide that the same may be liable to further Proceedings thereupon to

be had at our next ——— Court, to be held for the ——— of ——— at ——— on the ——— Day of ——— next, so as to compel the said E. F. to appear, and answer the above complaint of the said A. B. when and where you shall make Known to our said Court how you shall have executed this Writ. Witness ———, Esquire, ——— Justice of our said ——— at ——— the ——— Day of ——— in the ——— Year of our Reign, Anno Dom—Which Attachment shall be signed by the Justice who shall grant the same; and the Bond to be given on obtaining such Attachment shall be in the following Form, to-wit:

Know all Men, by these Presents, That we, A. B., C. D., and I. K., all of the County of ———, are held and firmly bound to E. F. in the sum of (double the Sum in the Attachment) to be paid to the said E. F., his Executors, Administrators, or Assigns; To which Payment well and truly to be made, we bind ourselves and each of us, our Heirs, Executors, and Administrators, jointly and severally, firmly by these Presents. Sealed with our Seals, and dated this ——— Day of ———, in the Year of our Lord ———.

The Condition of the above Obligation is such, That whereas the above bounden A. B. hath, the Day of the Date of these presents, prayed an Attachment against the Estate of the above mentioned E. F. for the Sum of ——— and hath obtained the same, returnable to the next ——— Court, to be held for the District of ———, on the ——— Day of ——— next: Now if the said A. B. shall prosecute his said Suit with Effect, or in Case he be cast therein, shall well and truly pay and satisfy to the said E. F. all such Costs and Damages as shall be awarded and recovered against the said A. B. then the above Obligation to be void; otherwise to remain in full Force and Virtue.

XLIV. And be it further Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed in the said Superior Courts, to Wit:

That the Plaintiff shall file his Declaration in the Clerk's Office, on or before the second Day of the Term to which his Suit is Brought, and serve the Defendant with a Copy, at least Five Days before the Commencement of such Term; otherwise the Action may be abated on the Plea of the Defendant.

That the Defendant shall appear and Plead, or demur, within the first Three Days of the Term to which the Writ is returnable, otherwise the Plaintiff may have judgment by Default; in which Case Judgment shall be final, unless where Damages are to be suggested on the Roll; and in that Case, and in all others where the Recovery shall be in Damages, a Writ of Enquiry shall be executed at the next Term. Provided that where the Nature of the Action requires Special Pleading, the Time for Pleadings may be enlarged by the Court. That where the Defendant pleads specially, the Plaintiff shall reply or demur in Three Days, or a Non Pross may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Issue, the Defendant shall join Issue or Demur in Three Days, or the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder within Three Days, or Judgment shall go against Him, unless the Time for Pleading shall be enlarged as aforesaid; and the same time shall be given, and Rules Observed, through the Whole Course of Pleadings.

That when a Special Verdict shall be found, Case agreed, Demurrer or Bill of Exceptions to the Evidence tendered, Time shall be allowed, upon Motion of either Party, to the next Term to Argue the same.

That for the more entire and better Preservation of the Records of the

Courts, when any Cause is finally Determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book well bound, so that an entire and Perfect Record may be made thereof.

That all Jury Causes be first tried.

That all Motions in arrest of Judgment shall be argued within the Three last Days of the Term the Issue is tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the reasons in Arrest of Judgment, the next Day after such Motion.

That Arguments on Writs of Error, Special Verdicts, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates' Estates, shall be heard within the last Four Days of the Term.

That when final Judgment shall be obtained, the Clerks shall allow a Lawyer's Fee in the Execution, if the Party employed One; which is hereby declared to be Thirty Shillings, Proclamation Money.

That no Plea in abatement shall be received in any of the said Courts unless the Party offering the same shall by affidavit, or otherwise, prove the truth of such Plea that where a Plea in abatement shall be pleaded in any of the said Courts, and upon Argument of the same shall be adjudged insufficient, the Plaintiff or Plaintiffs shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many several Matters as may be necessary for his Defence, so as he be not admitted to plead and demur to the Whole.

XLV. And be it further Enacted, by the Authority aforesaid, That all the Statutes of Jeofails and Amendments, which now are in Force in England, are hereby declared to extend to, and be in Force in this Colony; and shall be duly observed by all Judges and Justices of the Several Courts of Record within the same according to the true Intent and Meaning of the said Statutes.

XLVI. And be it further Enacted by the Authority aforesaid, That the following Orders, Rules, and Methods, for taking the Testimony of Witnesses, in all Causes depending in the said Courts, be observed and put in Practice, to-wit:

That in all Causes where witnesses are to appear at either of the said Courts, a Subpoena shall be issued by the Clerk, directed to the Sheriff of the County where such Witness or Witnesses reside, mentioning the Time and Place for their Appearance, and the Name of the Parties to the Suit wherein they are to give Evidence, and at whose Instance they are summoned.

That every Subpoena, returnable immediately, shall be personally served on the Witness or Witnesses therein Named.

That a Copy of every Subpoena issued by the Clerk in Vacation Time, and returnable to any Day of the next Term, in Case the Witnesses thereby to be summoned are not to be found at home, may be left at the usual Place of Residence of such Witness or Witnesses, and leaving such Copy as aforesaid shall be a Good and legal service; and the Person or Persons thereby summoned are bound to appear, under the like Penalties as if personally summoned.

XLVII. And be it further Enacted by the Authority aforesaid, That if any Person summoned to attend as aforesaid, shall fail to appear accordingly, every such Person so failing shall forfeit, to the Person or Persons at whose Instance the Subpoena was issued, Twenty Pounds, Proclamation Money, and shall be further liable to the Action of the Party endamaged for Want

of such Witnesss' Testimony; who shall recover his full Damages and Costs.

XLVIII. Provided always, That if sufficient Cause be shewn by the Person so summoned, or for whom such Copies shall be so left, and failing to appear, of his or her incapacity to attend at the Time he or she ought to have appeared, then no forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Term after such Failure, on notice given, it shall and may be lawful for the Court, on Motion, to grant Judgment for the Forfeiture before mentioned, against the Person or Persons so summoned and failing to appear as aforesaid.

XLIX. And be it further Enacted by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts in Manner as hereinbefore directed, shall appear accordingly, and continue to attend from Court to Court until discharged by the Court, or the Party at whose instance he was summoned; and in Default thereof, shall be subject to the Pains and Penalties hereinbefore mentioned; any Law, Usage, or Custom, to the contrary notwithstanding.

L. And be it further Enacted by the Authority aforesaid, That if any Witness by sickness, Age, in Gaol, or any other Cause, shall be incapable of attending Court to give Evidence, or shall reside out of the Province, on Oath made thereof, or the Truth of the same otherwise sufficiently appearing, the Judge, or Justice of the Court wherein the Suit is depending, shall and may by Commission, as from Time to Time may be necessary, empower such and so many Persons as they shall think necessary to take and receive the Deposition of such Witness; which, when duly returned, shall be received as legal Evidence.

LI. Provided always, That the Party praying such Commission as aforesaid, shall give such Notice to the adverse Party, of the Time and Place when and where such Commission is to be executed, as the Court shall think Proper, and the adverse Party shall have leave to cross examine any Witness or Witnesses whose Deposition shall be so taken; and all Depositions otherwise taken than is herein directed, unless by consent of Parties, shall be void, to all Intents and Purposes.

LII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, who may be a Witness or Witnesses in any Cause depending in any of the said Courts, shall be under a Necessity of departing this Colony before the said Cause is to be tried, that upon Oath made thereof before the Chief Justice, or any One of the Justices of the Superior Courts, and the Cause of Excuse approved by him the said Chief Justice or other Justice is hereby empowered to issue a Commission to one or more Persons to take the Deposition of such Witness, Ten Days' Notice being previously given to the adverse Party, or his or her Attorney, of the Time and Place when such Commission is to be executed; which Deposition when returned, shall be received as legal Evidence.

LIII. And be it further Enacted by the Authority aforesaid, That if any Person shall be summoned as a Witness in any of the Superior Courts, or before any Persons appointed to take Depositions, shall refuse to give Evidence, on Oath, such Person so refusing shall be committed to the Common Gaol, there to remain without Bail or Mainprize, until he or she be willing to give Testimony, in such Manner as the Law doth now, or shall hereafter direct. Provided, That the People called Quakers shall have the same Liberty of giving their Testimony, by way of solemn Affirmation, as by Act of Parliament made in the Eighth Year of the Reign of his Majesty King George the First, entitled, An Act for granting the People called Quakers

such Terms of Affirmation or Declaration as may remove the Difficulty which many of them lie under; and that all Negroes, Indians, Mulattoes, and all of mixed Blood descended from Negro or Indian Ancestors to the Fourth Generation, bond or free, shall be deemed and taken to be incapable in Law to be Witnesses in any Case whatsoever, excepting against each other.

LIV. And be it further Enacted by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to a Superior or Inferior Court, and as such Person is going or returning from the Place of such Attendance, allowing One Day for every Twenty Five Miles such Person's residence shall be distant from the same, no Sheriff or other Officer shall serve or execute on any Person so attending, going to, or returning from such Court, any Writ, Process, Warrant, Order, Judgment or Decree, in any Cause; and if any such shall be served or executed, the same shall, and is hereby declared to be null and void.

LV. And be it further Enacted, by the Authority aforesaid, That for every Mile any Witness shall travel, either going to, or returning from the Court to which such Witness shall be summoned to appear, there shall be paid to him by the Party at whose Instance the Subpoena issued, Three Half Pence, Proclamation Money, per Mile together with the necessary Charges of Ferriage; and Three Shillings like Money for every Day's Attendance, from the Time appointed for the Appearance, until the Time such Person shall have given Evidence, or shall be discharged, Provided, That in any Bill of Costs, there shall not be allowed the Charge of more than Two Witnesses to any one Particular Matter of Fact.

LVI. And be it further Enacted by the Authority aforesaid, That the Superior Courts shall have Power and Authority to grant Writs of Error for correcting the Errors of any Inferior Courts, where the same shall be necessary; and the Party praying such Writ of Error, before the same shall Issue shall assign Error, and give Bond and Security, to be approved of by the Court, to abide by, perform, and fulfil the Judgment which shall be given thereon by such Court, And if upon Argument of any Writ of Error, or Trial of any Appeal from any Inferior Court, the Judgment or Decree of the Inferior Court shall be reversed, the Superior Court shall grant Judgment, or make such Decree thereupon as should have been entered or made up in such Inferior Court, and shall and may issue Execution thereon, without granting a Writ of Procedendo; and to prevent the Obtaining Writs of Error by Surprise, the Party praying such Writ, in a Civil Cause, shall give Notice to the Adverse Party of his Moving for such Writ, at least Ten Days before such Motion; and no such Writ shall be granted without an Affidavit of such Notice.

LVII. And for preventing long and oppressive Imprisonments, Be it Enacted by the Authority aforesaid, That when any Person shall be committed, in any Civil Action, to the Gaol of any County, by Process issuing out of any Inferior Court, for any Matter Cognizable in the Superior Court, it shall and may be lawful for the Superior Court of the District in which such Person shall be imprisoned, upon Petition, and Cause shewn by the Person so imprisoned, to issue out a Habeas Corpus cum Causa, to remove the body of such Defendant into the Gaol of such Superior Court, and the Cause of Commitment into the same Court; and the Clerk of such Superior Court is hereby Authorized, directed and required, by Order of the Court, to issue such Writ accordingly; and the Court shall and may proceed therein, and Bail, discharge, or retain such Prisoner, as the Right of the Case may require.

LVIII. And be it further Enacted by the Authority aforesaid, That all

Causes, Actions, Writs, Suits, Complaints, Process, Recognizances, Indictments, and Presentments whatsoever that are, or shall be depending in any of the late Superior Courts of Justice within this Colony, or such as shall be returnable to, or had, or shall have Day or Days in any of the said late Superior Courts, or other Matters or Things in them Depending, and not fully determined, shall be transferred and put on the Dockets of the respective Superior Courts hereby established, in the same order they shall then stand in the Dockets of the late Superior Courts respectively; and shall be proceeded in by the said Superior Courts hereby established, according to the Method by this Act directed, as if the same had been originally commenced in any of the same, due regard being had that such Courts take Cognizance of such Suits, Matters and Things, the Cause or Causes whereof arose, or is suggested to have arisen, within their respective Districts.

LIX. And be it further Enacted, by the Authority aforesaid, That in all Cases wherein by any Act of Assembly heretofore made, Action is Given, or Recovery directed to be had in the General Court, or any of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, or in any of the late Superior Courts within this Colony; in every such Case, after the passing of this Act, Suit may be brought for the same Cause of Action, and Recovery had in some one of the Superior Courts of Justice hereby established, and Judgment and Execution shall be entered as in other Cases by this Act directed.

LX. And be it further Enacted by the Authority aforesaid, That all Writs and other Process, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted in the late Superior Courts, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Superior Courts of the respective Districts hereby established, wherein the Cause of Action did arise or was suggested to have arisen; and such Courts may respectively award Execution, or other necessary Proceedings, on such Judgment or Decree, in the same Manner as if such Suit had been originally commenced in such Court; any Law, Usage, or Custom, to the contrary, notwithstanding.

LXI. And be it further Enacted by the Authority aforesaid, That wherein any of the late Superior Courts, any Recognizance has been forfeited, or Fine imposed, and not hitherto paid, it shall and may be lawful for the Superior Courts hereby established, of the District in which such Recognizance was or shall be forfeited, or Fine imposed, to issue Execution, for levying the same, after the Party shall be served with a Writ of Scire Facias, and fails to shew sufficient Cause to the contrary; and in all Recognizances which shall hereafter be forfeited, or Fines which shall hereafter be imposed, in any of the Superior Courts, the same Process shall Issue, and the Forfeitures be levied in the same Manner, unless sufficient Cause be shewn, on the Return of a Scire Facias, why such Forfeiture should be discharged or mitigated by the Court.

LXII. And whereas many of the Prisons within this Province are insufficient for the Retention of Persons who may Commit Capital and other Offences against his Majesty, his Peace and Government; Therefore for the Speedy Trial of such Offenders, Be it Enacted by the Authority aforesaid, That the Governor, or Commander in Chief for the Time Being, so often as he shall find it necessary, is hereby impowered and authorized to issue a Commission of Oyer and Terminer, and General Gaol Delivery, under the Great Seal of the Province, directed to the Chief Justice, and his Associates, or either of them, for the Trial of any such Offenders; and the said Justices so commissioned, or either of them, after Receipt thereof, are hereby impow-

ered to hold a Court, within the Time limited by such Commission, for the Trial of every such Offender; and to hear and determine all Treasons, Murders, Burglaries, Felonies, Trespasses, Crimes, and Misdemeanors, of what Nature or Kind soever, wherewith such Offender or Offenders is or shall stand Charged; and give Judgment, and award Execution thereon.

LXIII. And be it further Enacted by the Authority aforesaid, That the Chief Justice, and other Justice or Justices so commissioned or either of them, on receiving such Commission, shall Order the Clerk of the Court for the District where such Court of Oyer and Terminer is to be held, to issue Writs of Venire Facias, directed to the Sheriff of the respective Counties within such District, to serve as Grand and Petit Jurors at such Court; which Writs the said Clerks are hereby impowered and required to issue, Ten Days at least before the Day of holding every Court of Oyer and Terminer, to summons Six Good and Lawful Men as Grand Jurors, and Six other good and Lawful men as Petit Jurors, for every County within such District, being Freeholders, to appear and attend at such Court; which Persons so summoned as Grand Jurors, or so many of them as shall appear (together with other good and Lawful Freeholders of the Bystanders if necessary, to add to such to make a sufficient Number of Grand Jurors) shall be a grand Jury; and it shall be lawful for such Grand Jury to inquire of, and present all Treasons, Felonies, and other Offences, cognizable in the said Court, which shall have been committed or done within any County or Counties within such District; and the Freeholders so summoned as Petit Jurors, or so many of them as shall appear (not being challenged) together with so many other Good and lawful Freeholders of the Bystanders, as shall make up the Number of Twelve, shall, and are hereby declared to be a lawful jury, for the Trial of any Person or Persons indicted of Treason, Felony, or other Crimes or Misdemeanors, before the said Court of Oyer and Terminer; and if any Person so summoned to serve on the Grand or Petit Juries before such Court, shall fail to appear and attend, it shall be lawful for the said Court to fine every such Person so failing Three Pounds, to the Use of the County whereof he is Resident.

LXIV. And be it further Enacted by the Authority aforesaid, That so much of the Money as shall arise from the Duties hereby imposed on Law Suits and Carriage Wheels, as shall remain after paying the Salaries herein provided for the Chief Justice and Associate Justices, shall, and is hereby applied to the Contingencies of this Government.

LXV. And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures arising by Virtue of this Act, for which no mode of Recovery is provided, or of which no application is hereinbefore made, shall be recovered by Action of Debt, in any Court of Record in this Province, Respect being had to the District and Jurisdiction of such Court; and applied, one Half to the Person or Persons who shall sue for the same, and the other Half to the Contingencies of Government.

LXVI. And whereas Doubts have arisen as to what Process shall issue, when any Sheriff shall return that any Defendant or Defendants, in any Suit in a Superior Court for the Recovery of Legacies, filial Portions, or Distributive Shares of Intestates' Estates, cannot be found; for Remedy whereof, Be it Enacted, That in all such Cases, the Plaintiff shall be entitled to an attachment against the Goods and Chattels, Lands and Tenements, of such Defendant or Defendants; and upon the Return of such Attachment executed, if the Defendant shall fail to reply, plead, answer, or demur the same Term, the Plaintiff shall be entitled to a conditional Decree or Judgment, pursuant to the Prayer of the said Petition, which shall be final at the next Court, un-

less such Defendant or Defendants shall then appear and give Security, and plead, answer, or demur to such Petition; and the same Method shall be observed as to Garnishees as in other Cases of Attachment.

LXVII. And be it further Enacted, by the Authority aforesaid, That this Act and every Clause, Article, and thing therein contained, shall continue and be in Force for the Space of Five Years, from and after the passing thereof and to the End of the next Session of Assembly and no longer.

CHAPTER II.

An Act to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

IV. And be it further Enacted, by the Authority aforesaid, That the Respective Clerks of each and every Inferior Court in this Province shall, within Six Months after the passing of this Act, affix and keep up in some Public Place in his Office (to which all Persons may have access), a true and perfect printed Copy of all such Fees as the Clerks of the Inferior Courts are, or may be entitled to; and every Clerk failing or neglecting so to do, shall forfeit and pay, to any Person that will sue for the same, Ten Pounds Proclamation Money, for the First Six Months such Printed Copy shall be wanting, and Five Pounds a Month afterwards for each and every Month such Fee bill shall be neglected to be kept up as aforesaid; to be recovered by Action of Debt, in the Inferior Court of the County where such Offender Resides.

V. And be it further Enacted by the Authority aforesaid, That the Clerk of each and every Inferior Court in this Province shall, within six Months next after the Court to which the List of Taxables are returned, in every Year, transmit to his Excellency the Governor, a true and fair Copy of the List of Taxables of the County whereof he is Clerk; and the said Clerks shall respectively transmit to the Governor an exact Account of the Number of Taxables settled for by the Sheriff, with the Inferior Court of the County; and also the Number of Insolvents allowed such Sheriff at such Settlement, and the Names of the Justices settling such Account, within Six Months next after such Settlement.

X. And whereas the Days heretofore appointed by Law for holding the Inferior Courts for the Counties of New Hanover, Onslow, Duplin, Cumberland, Bladen, Pitt, Craven, Dobbs, Currituck, Pasquotank, Chowan, Tyrrell, Hertford, Northampton, Edgecomb, Bute, Orange, Granville, Rowan, Mecklenburg and Johnston, have been found Inconvenient for those whose Business it is to attend such Courts: Be it therefore Enacted by the Authority aforesaid, That from and after the passing of this Act the Inferior Courts of Pleas and Quarter Sessions for the several Counties aforesaid shall be held on the Days following, instead of the Days heretofore appointed for holding such Courts, to-wit:

New Hanover, the first Tuesday in January, April, July and October; Onslow, the Second Tuesday in January, April, July and October; Duplin, the Third Tuesday in January, April, July and October; Cumberland, the Fourth Tuesday in January, April, July and October.

Bladen, the first Tuesday in February, May, August, and November.

Pitt, the Fourth Tuesday in January, April, July, and October.

Craven, the Second Tuesday in March, June, September, and December.

Dobbs, the First Tuesday in January, April, July and October.

Currituck, the First Tuesday in March, June, September and December; Pasquotank, the second Tuesday in March, June, September and December; Chowan, the Third Tuesday in March, June, September and December.

Hyde, the First Tuesday in January, April, July and October; Beaufort, the Second Tuesday in January, April, July and October.

Tyrrell, the second Tuesday in February, May, August and November.

Granville and Hertford, the First Tuesday in February, May, August and November.

Bute, the second Tuesday in February, May, August and November; Halifax, the Third Tuesday in February, May, August and November; Edgecomb, the Fourth Tuesday in February, May, August and November.

Mecklenburg, the Second Tuesday in January, April, July and October; Rowan, the Third Tuesday in January, April, July and October; Orange, the Fourth Tuesday in January, April, July and October.

Northampton, the First Tuesday in March, June, September and December.

And Johnston, the Fourth Tuesday in February, May, August and November, in every Year.

XI. And be it further Enacted by the Authority aforesaid, That all Actions, Suits, Writs, Process, Petitions, Indictments, Informations, and Presentments whatsoever, heretofore commenced in, issued from, or returnable to the respective Courts the Time for holding of which is altered by this Act, shall be, and are hereby continued to the Particular Days and Times hereby appointed; and all Subpoenas for Witnesses, and Recognizances for the Appearance of Persons at the said Courts, as Effectual as if the particular Day for holding any of the said Courts had been mentioned therein; and the Persons summoned as Witnesses, and entering into such Recognizances, bound to appear accordingly.

XII. And be it further Enacted by the Authority aforesaid, That so much of an Act of Assembly, entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province; and also one other Act of Assembly, made and passed in the Fifth Year of the Reign of his Present Majesty, entitled, An Act to amend and continue an Act, entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province; as is not otherwise provided for in this Act, and each and every Clause and Article in them respectively contained, together with this Act, shall continue and remain in full Force and Effect for the Space of Five Years, from and after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer, any Thing in the said recited Acts contained to the contrary, notwithstanding.

CHAPTER III.

An Act directing the Method of appointing Jurymen in all Causes, Criminal and Civil.

I. Whereas a just Decision of Suits and Controversies in the several Courts of Justice in this Province greatly depend on the Integrity and Capacity of Jurymen:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That no Person shall be a Jurymen in either of the Superior Courts of Justice within this Province, who shall not be nominated, summoned and Qualified, as is hereinafter directed, that is to say, the Justices of the Inferior Courts within the District of each respective Superior

Court within this Province shall, and they are hereby directed, before the sitting of any Superior Court, to nominate Twenty Four Freeholders to serve as grand Jurymen, and Twenty Four Freeholders to serve as Petit Jurors, at such Superior Court.

III. Provided always, That no Inferior Court shall, knowingly, nominate any Person to serve as a grand or Petit Juror, at Two Courts Successively; nor any Person to serve on the Petit Jury, who shall have an Action or Suit to be tried in the Superior Court, at the Term to which he shall be nominated.

IV. And be it further Enacted by the Authority aforesaid, That the Number of Freeholders to be nominated for each County to serve as Jurors as aforesaid, shall be proportioned as follows, to-wit, New Hanover County, Twelve; Bladen County, Eight; Onslow County, Eight; Duplin County, Eight; Cumberland County, Six; and Brunswick County, Six, for the District of Wilmington. Craven County, Eighteen; Carteret County, Four; Beaufort County, Six; Hyde County, Four; (a) Dobbs County, Ten; and Pitt County, Six, for the District of New Bern. Northampton County, Twelve; Halifax County, Fourteen; Edgecomb County, Ten; (b) Johnston County, Six; and Bute County, Six, for the District of Halifax. Chowan County, Ten; Perquimans County, Six; Pasquotank County, Eight; Currituck County, Four; Tyrrell County, Six; Bertie County, Eight; and Hertford County, Six, for the District of Edenton. (c) Rowan County, Twenty Two; (d) Anson County, Ten, and Mecklenburg County, Fourteen, for the District of Salisbury. (e) Orange County, Thirty Six, and Granville County, Twelve, for the District of Hillsborough. A List of which Jurors so nominated, shall be delivered by the Clerk of each Inferior Court of Pleas and Quarter Sessions to the Sheriff, who shall and is hereby required to summons the Persons so nominated to serve as Jurymen at the Superior Court: And if any Juryman so summoned shall Fail to appear, he shall be Fined Five Pounds, Proclamation Money, unless he can shew sufficient Cause to the next Court to execute his non-Appearence; which Fine shall be applied to the Payment of such Jurors as shall attend from the said County, and thereby lessen the County Tax.

V. Provided always, That if any of the said Inferior Courts of Pleas and Quarter Sessions shall fail or neglect to nominate Freeholders to serve as Grand and Petit Jurors as aforesaid, or the Persons so nominated shall fail to attend, it shall and may be lawful for such Superior Court to Order and direct the Sheriff to summons other Freeholders of the Bystanders to serve as Jurymen, for either Grand or Petit Jurors; and the Persons so summoned, shall be deemed and held as lawful Jurymen. Provided, That such Bystanders as shall be summoned to serve on the Petit Jury, shall and may every Day, be discharged, and the succeeding Day, and so from Day to Day, during the Continuance of the Court, the Sheriff shall summons of the Bystanders so many as shall be necessary: And every Person so summoned of the Bystanders who shall not appear and serve as a Juryman, shall be Fined the Sum of Three Pounds, Proclamation Money, unless he can shew sufficient Cause, to be admitted by the Court; to be applied as before directed.

VI. And that the Fines may be applied according to the Directions of this Act, Be it Enacted by the Authority aforesaid, That the Fines herein imposed shall be levied by the Sheriff of each respective County wherein each Person shall reside, who shall be summoned as a juryman as is herein directed, and shall fail to appear and serve as such; and such Sheriff shall be accountable for the same to the Inferior Court of his County.

VII. And be it further Enacted, by the Authority aforesaid, That the

Sheriff of each respective County shall, and is hereby required, to summons the Freeholders in the List to be delivered to him by the Clerk of the Inferior Court of his County, at least Ten Days before the sitting of the Superior Court at which such Freeholders are to attend as Jurors, which he may do personally, or by leaving a Note or Summons, in writing, at the Dwelling House of such Freeholder so to be nominated as aforesaid.

VIII. And be it further Enacted by the Authority aforesaid, That the Clerk of each Superior Court shall, every day, during the Continuance of such Court, write the Names of all Petit Jurors appearing, on Scrolls, or Pieces of Paper, which shall be put into a Box, and on every Issue in every Suit, where it is not otherwise agreed by Consent, a Child under Ten Years old, in Open Court, shall draw out of the said Box Twelve of the said Scrolls or pieces of Paper; And the Person whose Names shall be on the said Scrolls or Pieces of Paper, drawn as aforesaid, shall be the Jurors to try such Issue, provided that they do all appear; and in Case of Defaulters, other Scrolls shall be drawn, till a Sufficient Number shall appear to make a Compleat Jury.

IX. Provided always, That if any of the Jurors, whose Names shall be drawn as is hereinbefore directed, shall be lawfully challenged, other Scrolls shall be drawn, in Manner aforesaid, as Occasion may require, till a complete Number of Jurors shall be made out.

X. And whereas the attending the Superior Courts will be very Expensive to Jurors; for Remedy whereof, Be it Enacted by the Authority aforesaid, That each and every Juror who shall attend either of the Superior Courts to which he shall be nominated as aforesaid, and summoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the Inferior Court of the County where he resides, shall have and receive Three Shillings, Proclamation Money, for every Day he shall travel and attend as aforesaid; and an Allowance for his Ferriages, if certified as aforesaid, to be paid out of the County Tax.

XI. And be it further Enacted, by the Authority aforesaid, That from and after the Passing of this Act, in all Suits depending or prosecuted in any of the Superior Courts of Justice within this Province, wherein the Title or Bounds of Lands shall come in Question, if it shall appear to the Court that it will be necessary that the Jurors who are to try the issue joined in any such Suit, should have a View of the Messuages, Lands or Place in Question, in order to their better understanding the Evidence that will be given upon the trial of such Issue; in every such Case, the Court in which such Suit shall be depending, may (on reasons being shewn, and approved by the Court) order special Writs of Venire Facias, or Habeas Corpora, to issue, by which the Sheriff, or such other Officer to whom the said Writ shall be directed, shall be commanded to have the Jurors named in such Writ or Six of them at least, at the Place in Question, some convenient Time before the Trial of such Cause, who then and there shall have the Matter in Question shewn to them by Two Persons in the said Writ named, and to be appointed by the Court; and the Sheriff or other Officer, shall certify on the said Writ what Proceedings have been had thereon.

XII. And be it further Enacted, by the Authority aforesaid, That where a View shall be ordered as aforesaid, the Jury appointed for that Purpose shall be struck in Manner following, to-wit: The Plaintiff and Defendant, or their Attornies, shall deliver to each other a List, containing the Names of Twelve good and Lawful Freeholders, inhabiting within the District of the Court ordering such View; and each Party having struck out Six of the Names on the said List, the Persons whose Names are remaining thereon

shall be the Jurors to have such View; and if either Party shall refuse to comply with the Directions of this Act, in striking such Jury, the Court shall strike Six Jurors in the Stead of him so refusing.

XIII. And be it further Enacted by the Authority aforesaid, That when a Special Jury shall be allowed as aforesaid, Six of the Jurors named in the Pannell, or More, who have had such view and appear, shall be first Sworn on the Trial of the Issue joined in the Cause before any others shall be ballotted and so many only shall be ballotted and added to the Viewers who appear as, after all Defaulters and Challenges allowed, make up the Number of Twelve to be sworn.

XIV. And be it further Enacted, by the Authority aforesaid, That when any such View shall be ordered as aforesaid, the Court allowing the same may, if it shall appear necessary, order any Surveyor to attend the same, and to run out and Survey the Lands and Lines in Dispute, in such Manner as each Party and the Viewers shall direct, and to make Three Accurate Plans of such Surveys, and return the same to such Court; which Order such Surveyor is hereby required to obey.

XV. And be it further Enacted, by the Authority aforesaid, That the Sheriff, or other Officer to whom such Writ of Distringas or Habeas Corpora shall be directed, shall summons the Jurors therein Named to appear at the Place to be viewed, at least Five Days before such View is to be had; and every Juror being so summoned, and failing to attend and take such View, or to attend the Court to try the Issue in the Cause, shall be fined by the Court for every such Neglect, a Sum not exceeding Five Pounds, Proclamation Money, to be levied as other Fines set on Jurymen, and applied to the Use of the County wherein the Lands in Dispute are situate, unless the Person Fined shall, on Oath, shew to the Court Sufficient Reason for such Failure or Neglect.

XVI. And be it further Enacted, by the Authority aforesaid, That the Jurors attending such View, and at the Court in the Trial of such Issue, shall have the same Allowance as other Jurors are entitled to who attend at the Superior Court of Justice; and the Sheriff shall be allowed Ten Shillings per Diem for attending at such View, to remove Force, if any should be offered; and the Surveyor shall have and receive Twenty Shillings, Proclamation Money, per Diem, for travelling to and from, and attending at the Place of such View, and discharging his Duty as by this Act required; which several Allowances shall be taxed and allowed in the Bill of Costs.

XVII. Provided always, That if it shall appear upon the Trial of any such Cause, that the Striking of a Special Jury was altogether unnecessary, the Party who applied for the same shall pay all the Extraordinary Expences occasioned by striking such a Jury; and shall have no other Allowance of Costs, than he would be entitled to if the Cause had been tried by a Common Jury.

XVIII. And be it further Enacted by the Authority aforesaid, That the Sheriff of each respective County of this Province shall, Five Days at least before the Sitting of each respective Inferior Court to be held after the Passing of this Act, summon Twenty Four Freeholders to serve on the Grand Jury, and Twelve Freeholders to serve on the Petit Jury, to attend at such Courts respectively; which said Jury shall appear and give their Attendance accordingly, till discharged by the Court: And that there may not be a Default of Jurors, it shall and may be lawful during the sitting of the Inferior Court, for the Sheriff, by order of the said Court, to summon of the Bystanders other Jurors, being Freeholders, to serve on the Petit Jury

from Day to Day, and on any Day of the said Court the Justice may discharge those who have served the Preceding Day.

XIX. And to enforce the Attendance of Jurymen at the said Inferior Courts, Be it enacted by the Authority aforesaid, That every Person who shall hereafter be summoned in Virtue of this Act, to appear either as a Grand or Petit Jurymen at any Inferior Court, and shall fail to appear or give his Attendance till discharged, by Order of the Court, such Person so failing to appear or give his Attendance till discharged shall be fined Forty Shillings by the Justices of the Inferior Court; to be applied towards defraying the Charges of the County, and lessening the County Tax; unless he shall shew sufficient Cause to the next Succeeding Court for such Failure.

XX. And be it further Enacted, by the Authority aforesaid, That no Sheriff or other Officer shall serve or execute any Writ or other Process on the Body of any Juror during his Attendance on, or going to, and returning from any of the said Courts; and any such Service shall be void, and the Defendant may on Motion, be discharged.

XXI. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Five Years, from and after the Passing of this Act, and from thence to the End of the Next Session of Assembly, and no longer.

CHAPTER IV.

An Act for vesting certain Lots in the Town of New Bern in his Excellency the Governor, and his Successors.

I. Whereas by an Act passed at New Bern the First Day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty Six, entitled, An Act for erecting a Convenient Building in the Town of New Bern, for the residence of the Governor or Commander in Chief for the Time Being, his Excellency William Tryon, Esqr., then and Now Governor and Commander in Chief of this Province, was authorized and impowered to purchase any Number of Lots of Land, not exceeding Twelve, lying and being within the Boundaries of the Town of New Bern, in any part of the Town he shall think most proper and convenient; and to take and receive one or more Deed or Deeds, sufficient in Law for the conveying the same to himself, and his successors, Governors, or Commanders in Chief of this Province; and upon such Conveyance, to contract and agree with proper Persons for designing, erecting, and completely finishing, a convenient Dwelling House with all necessary Offices, for the Use of Himself and his Successors, Governors and Commanders in Chief of this Province: And whereas pursuant to the Power and Authority of the said Act, his Excellency has thought it most Proper and convenient that a Square in the said Town, containing Twelve Lots, bounded by Eden Street, Pollock Street, Metcalf Street and Front Street, with the Water Fronts belonging thereto, should be purchased for the said Intended Building, and hath agreed with Proper Persons for designing, erecting, and finishing the said House and Offices; but the Legal Title to some of the said Lots being vested in Persons out of the Province, or Infants or Trustees, or Persons at present unknown, his Excellency hath not yet been able to make a Purchase, or obtain proper Conveyances for some of the said Lots: For effecting therefore a Full, complete, and absolute Title to the Whole of the said Lots and Water Fronts, and vesting the same according to the Intention of the said Act of Assembly,

II. May it please your Excellency that it may be Enacted, And be it En-

acted by the Governor, Council, and Assembly, and by the Authority of the same, That it shall and may be lawful to and for the Inferior Court of Craven County, and the said Court is hereby impowered, authorized, and required, at the first Court to be held for the said County after the First Day of March next, to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of Craven County aforesaid, who is hereby authorized, directed, and required, accordingly to summon, impanel, and return to the said Court, a competent Number of substantial disinterested Persons, qualified to serve on Juries, and not less than Twenty Four; and out of such Persons so to be impaneled, summoned and returned, a Jury of Twelve Persons shall be drawn by some Person by the said Inferior Court to be appointed, in such Manner as Juries for the Trial of Causes in the Superior Court, by the Act of Assembly now in Force are directed to be drawn; which Persons so to be impaneled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Court, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed; and to attend there, from Day to Day, until discharged by the said Court; and all Persons concerned shall have their lawful Challenges (but not challenge the Array of the Pannel) against any of the said Jurymen when they come to be Sworn: And the said Court is hereby authorized and impowered, by Precept or Order, from Time to Time, to require the Attendance of all and every Person or Persons whatever who shall be thought necessary to be examined as Witnesses before them, and to examine them on their Oath or Oaths touching and concerning the Premises: And the said Court may likewise, if the Justices present shall think fit, authorize the said Jury to view the several Lots contained in the said Square and Water Fronts, in such Manner as they shall direct; and such Jury, Witnesses, and Parties, shall attend until all such Matters for which they were summoned shall be concluded: And said Jury upon their Oaths, shall enquire of the Value of such Lots of Land, with the Appurtenances, which is heretofore mentioned as necessary to be purchased, and of the respective Estate and Interest of every Person seized, possessed of, or interested therein, or in any Part thereof: and such Jury shall assess the Sum or Sums to be paid to every such Person or Persons, for the Purchase of such their Estate and Interest which shall be necessary to be purchased: And the said Court shall record the Verdict of the Jury, for such Sum or Sums of Money so to be assessed; which said Verdict or Verdicts, and the Judgment Decree, and Determination thereon, shall be binding and conclusive, to all Intents and Purposes whatsoever, as well against the King's Majesty, his Heirs and Successors, and all and every other Person and Persons, Bodies Politick and Corporate, claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of the said Lots of Land, either in Possession, Reversion, Remainder, or Expectancy, as well Infants as Issue unborn, Lunatick, Idiot, and Femme Covert, and Persons under any other legal Incapacity or Disability; and all other Cestui quae Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, as against all other Persons whomsoever; and the said Verdict, Judgment, and Decree and all other Proceedings of the said Court and Jury so to be made, given, and pronounced as aforesaid, shall be fairly written on Paper, and signed and sealed by the Clerk of the Court for the Time Being: And such Judgment, Verdict and Decree, and other Proceedings as relate to the said Lots of Land, or the value of them, as appraised, shall be entered, filed, and kept amongst the Records of the said Inferior Court, and shall be deemed and taken to be Records, to all Intents and Purposes whatsoever; and the same or some Copy thereof, shall be deemed and taken to be good and effec-

tual Evidence and Proof, in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy, as in Case of Copies of any other Record of the said Court.

III. And be it further Enacted, by the Authority aforesaid, That such Sum or Sums of Money so to be assessed and Decreed as aforesaid, shall be paid into the Hands of Samuel Cornell, Esq., who is hereby authorized and impowered to receive the same, and to give a Receipt or Receipts, mentioning and specifying for what Premises, and for what Use the said Money is received; which Receipt or Receipts shall be entered on Record, and registered in the Office of the Clerk of the said Inferior Court of the County of Craven, with the Judgment, Verdict and Proceedings to be had as aforesaid, which said Sum and Sums of Money shall be to the Use and Benefit of such Person or Persons as may appear by such Verdict as to have any Right, Title, Interest, or Claim in, to, or upon the said Lots of Land, or any Part thereof, according to their respective Estates and Interests therein; and shall by the said Samuel Cornell, Esq., be paid to such Person or Persons mentioned in such Verdict: But if the said Jury shall return a Verdict, that any Part of the said Lots or Water Fronts belong to Persons Unknown, or that the Title is in Dispute, then, and in such Case, the said Sum or Sums of Money Assessed as the value of such Lands, whereof the Owner is unknown, or the Title is in Dispute, shall, at any Time, by Order of the said Inferior Court of Craven, be paid to such Person or Persons as shall appear to the said Court to be entitled thereto, according to their respective Claims and Interest in the said Premises: And the said Inferior Court of Craven is hereby authorized and impowered, by Petition, in a Summary Way, to hear and determine all Disputes and Claims of any Person Interested in any Part of such Money; and immediately after such Receipt and Registry as aforesaid, and the whole absolute Fee simple Inheritance and Possession of such Lots of Land and Water Fronts, so to be valued as aforesaid, shall, and is hereby declared to vest in his said Excellency the Governor, and his Successors, to the Use of himself and his Successors, Governors or Commanders in Chief of this Province, for the Purposes mentioned in the said recited Act, as fully and effectually, to all Intents and Purposes, as if every Person, having any Estate in the Premises, had actually conveyed the same by Lease and release Bargain and Sale, inrolled Feoffments, with Livery and seisin, Fine and Recovery, or any other legal Conveyance whatsoever; And such Valuation, Proceedings, and payment as aforesaid, shall not only bar all Right, Title, Claim or Demand, of the Person or Persons having any Estate in the Premises, but shall also extend to and be deemed and construed to bar the Dower of the Wife or Wives of such Persons; and all Estates Tail, or Reversions or Remainders, as effectually as a Fine or Recovery would do, or would have done, if levied or suffered by the Proper Parties according to Law.

IV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Inferior Court of Craven County, from Time to Time, to impose any Reasonable Fine, not exceeding Three Pounds, Proclamation Money, on the Sheriff, or his Deputy or Deputies, who shall make Default in the Premises, and on any Person, who, on being summoned and returned on any such Jury as aforesaid, shall fail to appear and also on any Witness or Witnesses who shall not attend, or who should refuse to be sworn, or being sworn, shall refuse to give his or their Verdict or in any other manner wilfully Neglect his or their Duty, contrary to the true In-

tent and Meaning of this Act; and from Time to Time, to levy such Fines as other Fines are by Law directed to be levied in the said Court.

V. And whereas according to the Plan of the said Town of New Bern, the Water Fronts of the Lots hereinbefore Mentioned are divided from the said Lots by a Street called Front Street; which if it continues a Public Street, would be inconvenient to the improvements intended on the said Lots for the Accommodation and Residence of the Governor and Commander in Chief. And whereas for the Advantage, Prospect, and Situation, the Foundation of the said Edifice is laid so near to Eden Street, that it will be necessary to extend the Line of the said Lots, so as to include Part of the said Street; Be it therefore Enacted by the Authority aforesaid, That all that Part of Front Street, lying between the Lots hereinbefore mentioned, and the Water Fronts, extending along the said Street, as far as the Lots and Fronts aforesaid run; and all that Part of Eden Street, beginning at the Back Corner of the said Square, in the Angle of Eden Street and Pollock Street, running across Eden Street Thirty Feet, and from thence down the Middle of the said Street to the River, including the Intersection of Front Street, shall be, and are hereby vested in his Excellency William Tryon, Esq., Governor and Commander in Chief of this Province, and his Successors, for the Use of himself and his Successors, Governors or Commanders in Chief of this Province, as fully and amply, to all Intents and Purposes, as any of the above Mentioned Lots of Land are by the said Act directed and intended to be vested, purchased, or settled for the Purposes therein mentioned; and from henceforth all those Parts of the said Streets within the limits above mentioned shall cease to be public Streets, and may be inclosed, built upon, and improved, or made Use of, as if the same originally had been Part of any of the said Lots; any Act heretofore made to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That the Purchase of the Lots hereinbefore mentioned to have been made by His said Excellency, as Part of the Twelve Lots mentioned in the said Act, is hereby ratified and confirmed; and the Possession, and absolute Fee-simple and Inheritance of and in the said Twelve Lots, Streets and Water Fronts, are hereby declared to be fully vested in his Excellency William Tryon, Esq., and his Successors, for the Purposes and Uses in the said Act Mentioned, against the Claim of all Persons whatsoever.

CHAPTER V.

An additional Act to an Act, for erecting a Convenient Building within the Town of New Bern, for the Residence of the Governor, or Commander in Chief for the Time Being.

I. Whereas the Provision made in the said Act hath been found to be insufficient for compleating and finishing the said Buildings and Offices; and whereas the Fund out of Which the Money granted for building the same hath proved insufficient:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the Same, That the further Sum of Ten Thousand Pounds, Proclamation Money, shall, and is hereby granted to his Excellency the Governor, for and towards finishing the said Edifice and Offices; for raising and levying whereof, an Annual Poll-Tax of Two Shillings and Six Pence, Proclamation Money, shall be levied on each Taxable Person in this Province, for and during the Term of Three Years, to be collected by the

Sheriff of each respective County, on or before the First Day of March in each Year; the First Collection thereof to be made in the Year One Thousand Seven Hundred and Sixty Nine; and that all and every Person neglecting to pay the said Tax, on or before said First Day of March, shall be liable to such Distress as for non-Payment of other Taxes; and the Sheriff of each respective County shall, on or before the Tenth Day of June Yearly, pay into the Hands of the Public Treasurer of the District, all such Sums of Money as each and every of them shall receive in Virtue of this Act, under the same Regulations and Directions, and the like Fines and Forfeitures, as are directed and inflicted by other Acts for the collecting of Public Taxes.

III. And be it further Enacted, by the Authority aforesaid, That as soon as the said Tax shall be collected, or any Part thereof, the Treasurers, or either of them shall pay to his Excellency the Governor, for the Purposes aforesaid, the said Sum of Ten Thousand Pounds, Proclamation Money; and in Case of any Surplusage, the same shall be applied for and towards defraying the contingent Charges of Government.

IV. And whereas there may be occasion for money for carrying on and completing the said Edifice before the said Tax can be collected, Be it further Enacted by the Authority aforesaid, That in such Case it shall and may be lawful for his Excellency the Governor, and he is hereby requested, to borrow as much Money as he shall think necessary (not exceeding the said Sum of Ten Thousand Pounds, Proclamation Money) and to give one or more Receipt or Receipts under his Hand, in Sterling Money for the same, specifying the Use for which such Money shall be received; which said receipts shall bear interest, at the Rate of Eight Per Cent, per Annum, and shall be paid by the Public Treasurers, or either of them, in Sterling Money, or in Proclamation Money at the Current Exchange, as soon as sufficient of the said Tax shall be received for that Purpose.

V. Provided always, That no Persons possessed of such Receipts shall receive Interest thereon for more than Three Years from the Date hereof, unless it shall appear that such Person or Persons applied to the Public Treasurer for his Principal Money, and Interest, at the Expiration of the said Three Years, and that the Treasurers neglected or refused to pay the same; in which Case, Interest shall be paid on the said Receipts, till they are fully Discharged.

VI. And whereas the Public Treasurers of this Province were by the aforementioned Act directed to pay, out of the Fund appropriated for erecting Public Schools and Purchasing Glebes, to His Excellency the Governor, the Sum of Five Thousand Pounds, Proclamation Money, for the Purposes in that Act Mentioned; and whereas the Money belonging to said Fund, in the Hands of the Public Treasurers, has been found to fall Fifteen Hundred Pounds Short of the aforesaid Sum of Five Thousand; Be it therefore further Enacted, by the Authority aforesaid, That His Excellency the Governor may, and is hereby authorized, to issue his Warrant to one or Both of the Public Treasurers of this Province, requiring each or either of them to pay the said Deficiency of Fifteen Hundred Pounds, out of the Money arising from the Tax and Duties laid by the aforesaid Act, for replacing the said Sum of Five Thousand Pounds in the Public Treasury; And in Case the said Treasurers, or either of them, should not have to the amount of the said Sum of Fifteen Hundred Pounds in his or their Hands, arising from the Tax and Duty aforesaid, for replacing in the Treasury the said Five Thousand Pounds at the Time the same may be Drawn for; that then and in such Case, it shall and may be lawful for the said Treasurers or either of them to borrow the said Sum of Fifteen Hundred Pounds, and allow for the same Interest, at the

Rate of eight per cent., per annum till such Time as the Treasurers shall be enabled, from the Money arising from the Duty and Tax imposed by the aforesaid Act, to discharge the Sum by him so borrowed.

CHAPTER VI.

An Act for appointing Sheriffs and directing their Duty in Office.

I. Whereas the Laws now in Force for appointing Sheriffs, and directing their duty in Office have been found greatly Defective; and there is at present no Law whereby those who have been invested with the Power of applying Public Money, or Collectors of the same, can be compelled to a Speedy Execution of the said Trusts; by Occasion whereof the Public hath been greatly Defrauded, and the Faith thereof much depreciated: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Inferior Court of this Government shall, annually between the First Day of March and the First Day of June, recommend to the Governor or Commander in Chief of this Province, Three such Persons as they shall think most fit, being Freeholders of sufficient circumstances to execute the Office of Sheriff; one of which Persons so recommended shall thereupon be commissioned by the Governor, or Commander in Chief, to execute the Office of Sheriff for that County, for the then next ensuing Year: But if at any Time any Inferior Court shall neglect or refuse to make such Recommendation, or if the Persons so recommended shall refuse or neglect to produce a Certificate thereof to the Governor, and apply for a Commission thereon, within Six Weeks after such Recommendation shall be made, or cannot find sufficient Security, in either of those Cases, it shall and may be Lawful for the Governor, or Commander in Chief, and he is hereby authorized and required to appoint, and by his Commission constitute any Freeholder of such County, having Circumstances of ability as aforesaid, to be Sheriff thereof; or if no Person of sufficient Abilities within the said County shall apply for such Commission before the next succeeding Inferior Court after that in which such Recommendation shall be made as aforesaid, that then it shall and may be lawful for the Governor or Commander in Chief, and he is hereby authorized and empowered, to constitute and appoint any Person, of sufficient abilities and Circumstances, to be Sheriff of such County, although such Person may not be a Resident therein: And if any Sheriff appointed, upon Recommendation as aforesaid, shall happen to die in the Time of his Sherifftalty, the Governor or Commander in Chief may, and is hereby empowered, to appoint one of the Survivors, recommended with the Person deceased, to be Sheriff in his Room; and when any Sheriff appointed, upon neglect of Recommendation, happens to die in Office, any Freeholder, of sufficient Circumstances, may and shall be commissioned in his Stead.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, no Inferior Court shall recommend to the Governor, any Person for his appointment to the Office of Sheriff, who shall have served Two Years successively in the said Office, unless such Person shall produce a Certificate, from the Treasurer of the District, of his having fully accounted for, and paid all the Public Taxes which he hath, or ought to have received by Virtue of his said Office: And if any Inferior Court shall recommend any such Person contrary to the true Intent and Meaning of this Act, each and every Judge or Justice thereof, who shall join in such Recom-

mendation, shall forfeit and pay Fifty Pounds, Proclamation Money, to any Person who shall sue for the same; to be recovered by Action of Debt, in any Court having Jurisdiction thereof.

IV. And be it further Enacted by the Authority aforesaid, That no Person shall be compellable to serve as Sheriff longer than One Year, and until the next succeeding Court after Expiration thereof, and no longer: And every Person accepting a Sheriff's Commission shall, before his entering into, or executing his Office, publicly, before his County Court, take the Oaths appointed, or which shall be appointed by Act of Parliament, for the Qualification of Public Officers, repeat and subscribe the Test; and also take the following Oath, to-wit:

I, A. B., do solemnly swear, That I will truly and faithfully execute the office of Sheriff of the County of _____ to the best of my Knowledge and ability, agreeable to Law; and that I will not take, accept or receive, directly or Indirectly, any Bribe, Gift, Fee, or Reward whatsoever, for returning any Man to serve as a Juror on any Jury, or for making any False Return of Process to me directed, during my continuance in my said Office. So help me God.

And also shall enter into One Bond, before the Justices of his Inferior Court, with two or more good and Sufficient Securities, in the Penalty of One Thousand Pounds Sterling; with Condition in Form following, to-wit:

The Condition of the above Obligation is Such, That whereas the above named A. B. is constituted and appointed Sheriff of the County of _____ during Pleasure, by a Commission from the Governor, under the Seal of this Province, dated the _____ day of _____ last Past: If therefore the said A. B. shall well and truly Execute, and due Return make, of all Process and Precepts to him directed; and pay and satisfy all Fees and Sums of Money by him received, or levied by Virtue of any such Process, into the Proper Office by Which the same, by the Tenor thereof, ought to be paid, or to the Person or Persons to whom the same are due, his or their Executors, Administrators, Attornies or Agents; and in all other Things well, truly, and faithfully execute the said Office of Sheriff, during his Continuance therein; then the above Obligation to be void, otherwise to remain in Full Force and Virtue. And also shall enter into one other Bond before such Court, and with the like Security, in the Sum of One Thousand Pounds Sterling; with a Condition in the following Form, to-wit:

The Condition of the Above Obligation is such, That whereas the above bound A. B. is constituted and appointed Sheriff of the County of _____ by Commission from the Governor, under the Seal of the Province, dated the _____ Day of _____ last past: If therefore the said A. B. shall well and truly Collect and receive all such Public Taxes and Dues as are, or which shall be appointed by Act of Assembly, to be paid by the Taxable Persons within his Bailiwick, during his continueing Sheriff thereof; and duly account for and pay the same to such Person or Persons, and at such Times, as by Law are or shall be limited and directed; then the above Obligation to be void and of no Effect, otherwise to remain in full Force and Virtue.

Which said Bonds and Securities every Inferior Court respectively is hereby impowered and required to demand and take and cause to be acknowledged before them in Open Court, and recorded; the First of which said Bonds shall be made payable to his Majesty, his Heirs and Successors, and that in the Name of his Majesty and his Successors, any Person or Persons injured may and shall, at his, her, or their proper Costs and Charges, commence and prosecute a Suit or Suits on the said First mentioned Bond, against the Parties therein bound, their Executors or Administrators, and

shall and may recover all Damages which he, she, or they, may have sustained, by Reason of the Breach of the Condition of such Bond: And the said last mentioned Bond shall be made payable to the Governor, or Commander in Chief for the Time Being, and his Successors; and that in the Name of the Governor or Commander in Chief, and his Successors, the Treasurer of the District may and shall commence and prosecute a Suit on such last mentioned Bond, against the Parties therein Bound, their Executors or Administrators, and shall and may recover, for the Use of the Public, such Damages as the Public shall or may have sustained by Means of a Breach of the Condition of such Bond. And such Bonds shall not become void upon the first Recovery, or if Judgment shall be given against the Plaintiff or Plaintiffs who shall sue on such Bonds respectively, but may be put in Suit, and prosecuted from Time to Time, for the benefit of the Public in One Case, and for the Benefit, and at the Proper Costs and Charges, of any Party injured in the other, until the whole Penalty of the Bond sued shall be recovered.

V. Provided always, That if any Verdict or Judgment shall pass for such Sheriff, or his Securities, the Person at whose Instance such Suit shall be commenced, shall pay such Sheriff, or his Securities their Costs; and the Court before which such Suit shall be brought, shall and may award Execution for the same.

VI. And be it further Enacted, That every Sheriff who shall be in Office on the First Day of March next after the passing of this Act, shall at the first Court to be held for his County thereafter, enter into such Bonds, with Securities, as is by this Act directed to be given by a Person accepting the Office of Sheriff, upon Recommendation of the County Court, or otherwise; and if any Person who shall be appointed hereafter Sheriff pursuant to this Act, shall refuse to accept and execute such Commission to him directed, he shall forfeit and pay the Sum of Ten Pounds Proclamation Money, to the Use of the Public; to be recovered in the Name of the Governor or Commander in Chief, with Costs, by the Treasurer of the District wherein the Person so refusing shall reside, by Action of Debt, bill, Plaint, or information; and every Sheriff who shall be in Office on the aforesaid First Day of March, that shall neglect or refuse to give Bond, with Security, as hereinbefore directed, shall incur the like Penalty, to be recovered in the same Manner, and to the same Use as aforesaid.

VII. Provided nevertheless, That if any Person hereafter appointed to execute the Office of Sheriff of any County in this Province, shall be willing to execute the same, but cannot give sufficient Security as is by this Act Required, and shall make Oath in the Court of the County for which he shall be appointed Sheriff, that he hath used his best Endeavors, without Fraud or Collusion, to get such Security, that then such Person shall not incur the Penalty aforesaid; any Thing herein contained to the contrary notwithstanding.

VIII. Provided also, That any Sheriff who shall be in Office on the aforesaid First Day of March, and shall be willing to give such Security as aforesaid, and cannot procure the same, and shall make Oath thereof in Manner hereinbefore mentioned, that then such Sheriff shall not be Subject to the said Penalty; any Thing herein contained to the contrary notwithstanding.

IX. Provided likewise, That no Member of his Majesty's Council shall be obliged to execute the Office of Sheriff; any Thing in this Act contained to the contrary notwithstanding.

X. And be it further Enacted, That if any Sheriff hath neglected or refused, or shall hereafter neglect or refuse, to Account for and pay the several

Public Taxes that have been, or hereafter shall be imposed on the Taxable Persons of the County of such Sheriff, and wherewith he shall be chargeable according to the Directions of the Act of Assembly imposing the same, after deducting the Commissions allowed him by Law, and the several Sums chargeable to Persons who have no visible Estate in his County, it shall and may be lawful for the Superior Court of the District wherein such Sheriff shall live, upon Motion of the Treasurer of the District, to give Judgment against such Sheriff for all the Money whereof he is or shall be Chargeable, by Virtue of any Act or Acts of Assembly as aforesaid, with Costs; and thereupon to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff. Provided, That such Sheriff have Ten Days Previous Notice of such Motion.

XI. And be it further Enacted by the Authority aforesaid, That upon the Trial of any Cause on the said last mentioned Bond, wherein issue shall be joined upon Performance of the Condition thereof, or where a Writ of Enquiry of Damages shall be executed upon any Breach of the same assigned or where a Motion shall be made against the Sheriff as aforesaid, it shall be sufficient, to ascertain the Sum wherewith the Sheriff stands chargeable, for the Treasurer to give in Evidence an attested Copy of the List of Taxables in the County of the Sheriff so sued or moved against; and shall recover the whole Taxables contained in such List, deducting only the Commissions by Law allowed him, and for such Persons who have no visible Estate in his County; any Law, Usage or Custom, to the contrary notwithstanding.

XII. Provided always, That if such Sheriffs shall before the Commencement of such Suit, or hearing such Motion, have settled with the Court of his County for the County Tax, and obtained an Allowance for such Persons who have no visible Estate therein, certified by Five Justices at least, an attested Copy of such Settlement may also be given in Evidence by the Defendant.

XIII. And be it further Enacted, That the Clerk of each Inferior Court shall, on or before the First Day of March, annually transmit to the Treasurer of the District wherein such Clerk shall live, a true Copy of the list of Taxables of the said County filed with him, alphabetically digested; for which Service he shall be paid by the Treasurer the usual Fee, which shall be by him charged to the Public in his Account: And every Clerk failing or neglecting to Perform his Duty herein, shall, for each Offence, forfeit and pay Twenty Pounds, Proclamation Money; one Half to the Informer, and the other Half to the Governor or Commander in Chief, for the Use of the Public, to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record, with Costs; any Law, Usage or Custom, to the contrary, notwithstanding.

XIV. And be it further Enacted by the Authority aforesaid, That every Sheriff himself, or by his Lawful Officers or Deputies, shall, from Time to Time, execute all Writs and other Process to him legally issued and directed to him within his County, or upon any Bay, River or Creek adjoining thereto, and make due Return thereof under the Penalty of Forfeiting Fifty Pounds Proclamation Money, for each Neglect, where such Process shall be delivered to him Twenty Days before the sitting of the Court to which the same is returnable; to be paid to the Party Grieved, by Order of such Court, upon Motion and Proof of such Delivery, unless such Sheriff can shew sufficient Cause to the Court at the next succeeding Court after such Order. And for every False Return, the Sheriff shall forfeit and pay Fifty Pounds Proclamation Money; one Moiety thereof to the Party grieved and the other Moiety

to him or them that will sue for the same; to be recovered with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; and moreover, be further liable to the Action of the Party grieved for Damages: And no Sheriff shall return upon any Writ, that the Defendant is not to be found within his Bailiwick, unless such Sheriff shall have actually been at the House or place of abode of such Defendant: And where any Defendant shall be Known Inhabitant of any other County than that of the Sheriff to whom such Process shall be directed, the Sheriff shall return the Truth of the Case; and thereupon an Alias shall issue, directed to the Sheriff where such Defendant resides, if the original Process shall issue from a Superior Court; and no variance of the Addition of the Place of abode of the Defendant shall be deemed Error or Matter of Abatement: And in Case at any Time there shall be no Person properly qualified to act as Sheriff in any County in this Province, that then it shall and may be lawful for the Coroner of such County, and he is hereby required, to execute all process within the same, until some Person shall be appointed, and Properly Qualified to act as Sheriff in the said County; and such Coroner shall be under the same Rules and Regulations, and subject to the same Fines and Forfeitures, as Sheriffs are by law, in Relation to the Executing and Returning of any Process to them directed.

XV. Provided always, That it shall not be lawful for any Sheriff, or other Officer, to execute any Writ or other Process upon a Sunday, or upon any Person attending his Duty at a Muster of the Militia, or any Election of a Burgess or Burgesses, or Vestrymen or any Person summoned to attend as an Evidence or a Juror; and all such service of Process is hereby declared illegal and Void, unless the same be issued against any Person or Persons for Treason, Felony, or Riot, Rescous, Breach of Peace, or upon an escape out of prison or Custody; and such Process shall and may be executed at any Time or Place.

XVI. And be it further Enacted by the Authority aforesaid, That from and after the First of June next, each and every Sheriff within this Province shall, on levying any Execution for any Debt, Damages, or Costs, make out, if required, a Bill of his Fees due on such Action or Suit; and set down under the said Bill, a true Copy of the Clerk's, Attorney's, and other endorsed Fees, separately and distinctly, and give a Receipt for the same to the Party against whom such Execution shall issue, and shall also endorse the amount of his Own Fees he shall so take on such Execution, to be entered by the Clerk on the Execution Docket; for which Copy the said Sheriff may demand and receive One shilling of the Person requesting the same: And if any Sheriff or other Officer impowered to levy any Execution, shall fail so to do, such Sheriff or other Officer shall forfeit and pay Ten Pounds Proclamation Money, to any Person who will sue for the same.

XVII. And be it further Enacted by the Authority aforesaid, That it shall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation of or from any Person or Persons in his Custody, for or concerning any Matter or Thing relating to his Office, otherwise payable than to himself as Sheriff, and dischargeable upon the Prisoner's Appearance, and rendering himself at the Day and Place required in the Writ whereupon he was, or shall be taken or arrested and his Securities discharging themselves therefrom as Special Bail of such Prisoner) or such Person or Persons keeping within the Limits and Rules of any Prison; and every other Obligation taken by any Sheriff in other Manner or Form by Colour of his Office shall be null and Void, except in any Special Case any other Obligation is, or shall be by law particularly and expressly directed; And That no

Sheriff shall Demand, take, exact, or receive, any greater Fee or Reward whatsoever, nor shall have any allowance, Reward, or Satisfaction, from the Public, for any Service by him done, other than the sum of Ten Pounds Proclamation Money, for Ex-officio Services, and the allowances given and Provided, or which shall be from Time to Time given and Provided by Law.

XVIII. And whereas Sheriffs and other Collectors of Taxes, have discovered some Taxables not inlisted, and have demanded and received the Taxes from them, and retained the same to their Own Use; Be it therefore Enacted, by the Authority aforesaid, That all Sheriffs and Collectors shall hereafter account on Oath, for all such Taxes by them received, to the Respective Treasurers, Inferior Courts, or Vestries, as the Case may be, which shall be applied to the Use of the Public, County, or Parish, respectively.

XIX. And be it further Enacted, That where any Person or Persons, chargeable with any Public or County Taxes, shall not discharge the same on or before the Tenth Day of March in each Year, it shall be lawful for the Sheriff to Distrain any of the Slaves, Goods and Chattels, belonging to, or in the Possession of, the Person owing or chargeable with such Taxes; and if the owner thereof shall not, within Five Days after such Distress, pay and satisfy the Taxes due, such Sheriff shall and may lawfully sell by Auction, the Slaves, Goods and Chattels, distrained or so much thereof, as shall be sufficient to satisfy the said Taxes, and the Charges of Distress and Sale, but shall give Notice of the Day and Place of the Sale at the Court House of the County wherein such Distress shall be made, by setting up an Advertisement thereof; which Sale shall not be in less than Three, or more than Ten Days after Notice so Given; and shall be good and effectual in Law against all and every Person and Persons whatsoever, claiming or pretending to claim any Right, Title, or Interest, in or to any of the said Slaves, Goods or Chattels.

XX. And be it further Enacted by the Authority aforesaid, That where the Sheriff of any County shall be removed from his Office, or his Time of service therein shall expire, before he shall have compleated his Collection of Public, County and Parish Taxes, his Power of collecting such Taxes and making Distress for the same, shall continue as fully as if he had not been removed from his said Office of Sheriff, or his Time therein had not expired; and where any Sheriff shall die before he has finished his Collection his Executors or Administrators shall and are hereby invested with the like power and authority to compleat and finish the Collection of Public, County, and Parish Taxes, as the Testator or Intestate had or was entitled to; and to settle and account for the same, in the like Manner and under the same Regulations and Restrictions, as the Testator or Intestate would have been subject to, had he lived to finish his Collection, and settle for the same.

XXI. And whereas it hath so happened, that many Persons who heretofore have acted in the Office of Sheriff, have not fully compleated the Collection of Public, County, and Parish Taxes, in their respective Counties; Be it therefore Further Enacted, by the Authority aforesaid, That it shall and may be lawful for such Persons, whose Time of Sheriffalty hath expired and who have not fully finished the collection of such Public, County, and Parish Taxes as by Law required, to continue to collect and make Distress for the same, in the same Manner as such Sheriff might or could have done, had the Time of their continuance in Office not expired; any Law, Custom, or Usage, to the Contrary Notwithstanding.

XXII. Provided always, That no Sheriff shall at any Time make or take

unreasonable Distress, or seize the Slave or Slaves of any Person, for any Public or County Taxes, or for Officers' Fees, if other sufficient Distress can be had; upon Penalty of being liable to the Action of the Party grieved, grounded upon this Act, wherein the Plaintiff shall recover full Costs, although the Damages given do not exceed Twenty Five Shillings Proclamation Money.

XXIII. And be it further Enacted by the Authority aforesaid, That if any Person Committed or rendered, or charged in execution, or upon Mesne Process, to any Prison, shall thence escape, it shall and may be lawful to and for any Justice of the Peace of the County where such Prisoner was in Custody, upon Oath of such Escape made before him by the Sheriff, Under Sheriff or Gaoler, or other credible Person, to grant to any Person demanding the same One or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Bailiffs and Constables, within this Province, reciting the Cause of such Person's Commitment, and the Time of his or her escape, and commanding them, and every of them, in their respective Counties and Precincts to seize and retake such Prisoner so escaped, or going at large; and being so taken, forthwith to convey to the Prison where Debtors are usually kept, in the County where such retaking shall be, there to be kept in safe Custody, until he or she be thence discharged by due Course of Law; which Warrant the Sheriff is hereby required to obey, and receive the Prisoner into his safe Custody, and to give a Note to the Person or Persons delivering him, her or them, certifying his receipts of such Prisoner; and shall also make Return of the Execution of such Warrant to the Court of the County where such Prisoner escaped; and if he or she was there in custody, charged in Execution, then the said Sheriff shall safely keep him, or her without Bail or Mainprize, until he or she shall have made full payment and satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whose Name such Execution was issued out, or until the Judgment or Judgments, obtained against him or her shall be reversed or discharged by due Course of Law; And if any such Prisoner shall have been in custody upon Mesne Process in any Action of Debt, or upon the Case the Sheriff to whom he or she shall be so committed, shall in like Manner, keep such Prisoner in his safe Custody, and make Return of the Execution of the Warrant by which he or she was retaken, to the Court of the County wherein he or she was first arrested; and thereupon it shall be lawful for the said Court, upon the Plaintiff's filing his Declaration, and entering the Defendant's Appearance, to proceed to give Judgment thereon in the same Manner as if the Defendant had appeared in Court and refused to Plead, unless such Defendant shall cause special Bail to be entered in the said Court, and shall immediately Plead to issue; and thereupon a Certificate, under the Hand of the Clerk of the said Court, that such Bail is given and delivered to the Sheriff in whose Custody such Defendant shall then Be, it shall be lawful for him to set at Large such Prisoner, and not otherwise; But where any Prisoner escaped, and retaken upon such Warrant as aforesaid, shall thereafter be charged with Treason, Felony, or other Capital Crime, in Behalf of his Majesty, or his Successors, for which he or she ought to be tried in one of the Superior Courts of this Province and shall be for such Cause removed to any Gaol of such Court every such Prisoner shall be charged in such Gaol with all the Causes wherewith he or she stood charged in the Gaol from whence he or she escaped, or was removed, until he or she be thence delivered by due Course of Law; any Usage, or Custom to the contrary, notwithstanding.

XXIV. And be it further Enacted, by the Authority aforesaid, That if

any Sheriff or other Officer hath Made, or shall make any Return upon any Writ of Fieri Facias, or Venditioni Exponas, that he hath levied the Debt, Damages, and Costs, or Fees, as in such Writ required, or any Part thereof; and hath not or shall not pay the same into the Proper Office, or to the Party to whom the same is Payable, or his Attorney, at the Return of such Writ; or hath or shall return upon any Writ or Capias ad Satisfaciendum, or attachment, for not performing a Decree in Chancery, for the Payment of any Sum of Money or other Matter, that he hath taken the Body or Bodies of any Defendant or Defendants, and hath the same ready to satisfy the Money, or other Matter in such Writ mentioned, and shall have actually received the Money, or other Matter, from the Defendant or Defendants, or any Part thereof; or suffered him, her, or them to escape, with consent of such Sheriff or Officer; and hath not or shall not pay the same into the Proper Office, or to the Party to whom the same is payable, or his Attorney; that then or in either of the said Cases, it shall and may be lawful for the Creditor, at whose Suit of Fieri Facias, Venditioni Exponas, Capias ad Satisfaciendum, or Attachment, hath, or shall issue, upon Motion made in the Court from whence such Writ issued, or in the Superior Court of the District wherein such Sheriff shall reside, to demand Judgment against such Sheriff, or other Officer, for the Money, or other Matter, mentioned in such Writ; and such Court is hereby authorized and required to give Judgment accordingly for the same with Costs, and to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff, provided such Sheriff have Ten Days' Previous Notice of such Motion; And where it shall so happen that the Time of any Person's Sherifalty shall be expired, or he shall be removed from his Office, before such Motion made by the Creditor or Creditors, the same Remedy, Proceedings, and Relief, shall and may be had against him, as if such Person was actually in Office; any Thing herein contained to the contrary, notwithstanding.

XXV. And be it further Enacted, by the Authority aforesaid, That where any Sheriff shall have taken the Body of any Debtor in Execution, and shall wilfully or negligently suffer such Debtor to escape, and such Sheriff or Person suing out such Execution, shall die before a Recovery can be had against such Sheriff for such Escape, the Person suing out such Execution His Executors or Administrators, shall and may have and maintain an Action of Debt, against such Sheriff, his Executors or Administrators, for the Recovery of all such Sums of Money as are mentioned in the said Execution, and Damages for detaining the same; any Law, Usage or Custom, to the Contrary, notwithstanding.

XXVI. And for removing all Controversies touching the Manner of turning over Prisoners upon the Sheriff's Quitting his Office, Be it further Enacted by the Authority aforesaid, That the Delivery of Prisoners by Indenture between the Old Sheriff and the New according to the Practice in England, or the entering upon Record in Court the names of the several Prisoners, and the Causes of their Commitment, delivered over to the New Sheriffs, shall be sufficient to discharge the late Sheriff from all Suits and Actions for any Escape that shall afterwards happen.

XXVII. And for preventing the evil and Pernicious Practice of such as are intrusted with laying out of the Public Money, in applying it to their own use, in Defraud of the Government; Be it Enacted by the Authority aforesaid, That if any Person or Persons who heretofore have been, now are, or hereafter shall be appointed a Treasurer or Treasurers of this Province, by Virtue of any Act of Assembly, and have failed and neglected or shall fail or neglect, to account for and pay the several Taxes, Imposts,

and Duties, which they respectively have been, now are or hereafter shall be authorized and impowered to receive, according to the Directions of the Law or Laws imposing the same, that it shall and may be lawful for any Superior Court of the District of such Treasurer, on Motion of the Attorney General, or any other Attorney, by Order and Direction of the General Assembly, to grant Judgment against such Treasurer, in the Name of the Governor or Commander in Chief, for all such Public Taxes, Imposts and Duties, which he shall have in his Hands unaccounted for as aforesaid, together with Interest thereupon, after the rate of Six per cent per Annum, from the Time of receiving the same till paid, and Double Costs, and to award Execution thereupon against the Body, Goods and Chattels, Lands and Tenements, of such Treasurer, provided such Treasurer have Ten Days' Previous Notice of such Motion; and Moreover, such Treasurer shall lose all such Commissions upon such Taxes and Duties, as he otherwise would have been entitled to.

XXVIII. And be it further Enacted by the Authority aforesaid, That the Money that shall be recovered of any such Treasurer or Treasurers shall, when received, be applied to the several respective Uses, Intents, and Purposes to which the same are, or shall be by Law appropriated, or to such other Uses and Purposes as the General Assembly shall direct and appoint.

XXIX. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons who heretofore have been, now are, or hereafter shall be appointed and impowered to lay out any Sum or Sums of Money, in Behalf or on Account of this Province, whether the same was, is, or shall be for his Majesty's service, defraying the contingent Charges of this Government, or other Purposes by Act of Assembly particularly Directed, and have received the same and have refused, failed and neglected or shall refuse, fail or Neglect, to lay out or apply such Sum or Sums, and account for the same, according to the directions of the law or Laws that have appropriated, or shall appropriate the same; it shall and may be lawful for the Attorney General, by order and direction of the General Assembly, upon Motion made in the Name of the Governor or Commander in Chief, in any Superior Court in this Province, to demand Judgment against any such Person or Persons, for all such Sums of Money as he or they shall have received for the Purposes aforesaid, or any of them, that such Person or Persons shall not have applied, laid out and accounted for, according to the several Acts of Assembly, intrusting any such Person or Persons with the Application thereof shall require; and such Court is hereby authorized, impowered, and required, to give such Judgment accordingly, to be paid with Interest thereupon, after the Rate of Six Per cent per annum, from the Time such Person or Persons received the same, till paid and Treble Costs, and to award Execution thereupon against the Body, Goods, and Chattels, Lands and Tenements of such Person or Persons, provided such Person or Persons, have Twenty Days' previous Notice of such Motion; And if such Person or Persons shall be sued on his or their Bond given for the Performance of such Trust as aforesaid, the Court before such trial shall be had, or Writ of Enquiry executed on an Assignment of any Breach of the Condition thereof, shall give Judgment for the Whole Penalty of such Bond; to be Discharged upon the Defendant or Defendants paying the Damages found or assessed, together with Interest from the Date of such Bond, till paid, with Treble Costs as aforesaid; and in both the said Instances, such Person or Persons shall lose all such Commissions, Allowances, and Rewards, as he could or

might have claimed if he had laid out such Money, and Regularly accounted for it.

XXX. And be it further Enacted, That in both the aforesaid Cases, the Money when recovered and received, shall be applied and laid out to and for the several respective Uses and Intents to which the same is, or shall be by Law directed to be applied, or as the General Assembly shall order and appoint.

XXXII. And whereas many of the Sheriffs of this Province, have heretofore applied to their own private Uses, or otherwise embezzled considerable Sums of the Public Money, in Hopes of replacing the same when called for, and by Reason thereof have been rendered unable to come to any regular Account with the Public Treasurers within the Time appointed by Law, to the great and Manifest Prejudice of the Public Interest, of their Securities, and of their Own Estates; For Remedy whereof, and to the End that the Public Money, collected from the People may be faithfully applied and appropriated to the several Purposes for which it was intended; Be it Enacted, by the Authority aforesaid, That from and after the last Day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty Eight, all Sheriffs and other Collectors of Public Taxes in this Province, shall annually exhibit and deliver into the First Court to be held for their respective Counties after the First Day of January, in each Year, a regular and fair stated Account, signed or attested by the Public Treasurer of the District, ascertaining the amount of what Public Money, each of them respectively had received for the year preceding, together with the Amount of what each of them had paid or disbursed, and the Balance (if any there be) due by them; which stated and signed Account shall be forthwith entered on the Record or Minutes of that Court to which it is exhibited by the Clerk of such Courts respectively, who for his Trouble therein shall be entitled to a Fee of Five Shillings, Proclamation Money; and every Sheriff or other Collector of the Public Taxes, who shall Fail or neglect to obtain, exhibit and deliver, such stated and signed account, or to have the same put upon the Minutes of the Court at the respective Times, and according to the Directions by this Act prescribed, shall forfeit all such Commissions as he or they should by the Laws of this Province be entitled to, as Collectors of the Public Taxes for the Preceding Year; and after such Failure or Neglect, it shall not be lawful for the Public Treasurers to allow of such Commissions to the Party neglecting; any Law, Usage, or Custom, to the contrary, notwithstanding.

XXXIII. And be it further Enacted, That from and after the passing of this act, all Sheriffs, and other Collectors of the Public Taxes, who shall be suspended or removed from their Offices otherwise than by Death, shall immediately after their Successors in Office are Qualified, obtain from the Treasurer of the District a Regular, fair and stated Account signed or attested by such Treasurer, ascertaining the Amount of all the Public Money by such Sheriff or Collector respectively received, or collected in the Time he was in Office, together with all the Payments by such Sheriff or Collector respectively Made or Disbursed, and the Balance due, which stated and signed Account shall, by all Sheriffs and Collectors respectively, be likewise exhibited, and delivered into the Courts of their respective Counties, to be held immediately after their Successors are Commissioned and qualified and forthwith entered upon the Records or Minutes of the said Court in Manner hereinbefore Prescribed; and every Sheriff or other Collector, so removed or superseded who shall fail or neglect to obtain, exhibit, and deliver such Stated and signed Account or to have the same put upon the Records or

Minutes, of the Court, at the respective Times and according to the Direction by this Act Prescribed, shall forfeit all such Commissions as he or they should by the Laws of this Province be entitled to, as Collector of Public Taxes, from the last settlement of Account between the Public Treasurers and them respectively and after such Failure or Neglect, it shall not be lawful for the Public Treasurers to allow of such Commissions.

XXXIV. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Clerk of each and every Inferior Court of this Province shall, within Forty Days next, after recording the several stated Accounts between the Treasurers and the Sheriffs, and other Collectors of the Public Taxes by this Act Directed, transmit to the Governor, or Commander in Chief for the Time Being, an Attested Copy of all such Stated and signed Accounts, under the Penalty of Five Pounds, Proclamation Money, to be applied for the Purposes by this Act directed, and recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record, brought in the Name of the Governor for the Time Being; wherein no Essoign, Protection or wager of Law, shall be allowed or admitted.

XXXV. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, no Person duly elected and chosen a Representative for any County or Town within this Province, to sit and Vote in the General Assembly, shall during his continuing a Representative thereof, be commissioned to act as Sheriff in or for any County within the same.

XXXVI. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts of Assembly relating to, or concerning Sheriffs, are hereby repealed and made void.

CHAPTER VII.

An Act to appoint a Public Treasurer of the Northern District, and other Purposes.

I. Whereas by an Act of General Assembly, passed at Wilmington, in the Fifth Year of his present Majesty's Reign, entitled, An Act for appointing Public Treasurers, Joseph Montfort, Esq., was appointed Public Treasurer for the Northern District, which said Act is now near expiring: And whereas by another Act of Assembly, passed at New Bern in the Seventh Year of his Majesty's Reign, entitled, An Act for appointing a Public Treasurer, in the Room of John Starkey, Esq., deceased, John Ashe, Esq., was thereby appointed Public Treasurer for the Southern District, in the Room of the said John Starkey, Esq., deceased; which said Act was to be and continue in Force for and during the Term of Three years, and from thence to the end of the next Session of Assembly; and it being Thought convenient, that all Acts heretofore made in Relation to the Appointment of Public Treasurers, and directing their Duty in Office, should be reduced to, and comprized in one distinct Act:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Acts, and all and every other Act and Acts of Assembly, and every Clause of any Act or Acts of Assembly, heretofore made within the Purview and Meaning of this Act, shall be, and are hereby repealed.

III. And be it further Enacted, by the Authority aforesaid, That Joseph Montfort, Esq., be and is hereby appointed Public Treasurer for the Counties of Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrel, Northampton, Edgecomb, Granville, Orange, Hertford, Bute, and Halifax; and that John

Ashe, Esq., be and is hereby appointed Public Treasurer for the Counties of Anson, Beaufort, Bladen, Brunswick, Cumberland, Craven, Carteret, Duplin, Dobbs, Hyde, Johnston, Mecklenburg, New Hanover, Onslow, Pitt, and Rowan; which said Treasurers shall, immediately after the ratification of this Act, give Bonds respectively, with Good and sufficient Securities to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Ten Thousand Pounds lawful Money of Great Britain each, with Condition that he will diligently and faithfully collect from the respective Sheriffs, Receivers and Collectors of Duties, and other Persons charged with Public Monies within his said District; and well and truly account for, and pay to the General Assembly of this Province when thereto required, all Public Monies which he now hath or hereafter shall receive, and for the Faithful and regular Discharge of the Duties of his said Office; which Bond shall be lodged in the Secretary's Office, and in Case of Breach of the Condition thereof, may be recovered in any Court of Law in this Province, having Cognizance thereof.

IV. And be it further Enacted by the Authority aforesaid, That the said Treasurers and each of them is, and are hereby impowered, authorized, and required, to receive all Public Monies and Taxes payable in the several Counties within their respective Districts, and the Sheriff of each of the said Counties, and other Collectors and Receivers of Public Monies within any of the said Counties, are hereby directed and required, on or before the Tenth Day of June Yearly, to account with, upon Oath, and pay into the Hands of the Treasurer of his respective District, all Public Monies which the said Treasurers, or either of them, are by Law impowered and required to receive.

V. And be it further Enacted, by the Authority aforesaid, That an Allowance of Five Per cent shall be made to the said Treasurers, on all Monies by them respectively received, accounted for, and paid into the General Assembly as aforesaid.

VI. And be it further Enacted by the Authority aforesaid, That the Clerk of each County in this Province, shall, within six Months after the Ratification of this Act, lodge with the Public Treasurer of the District wherein such County lies, all and every Bond now in his Possession, heretofore given by any present or former Sheriff of the said County, for the Well and truly Collecting, and duly accounting for, and paying the Public Taxes of such County; and the said Clerk shall also lodge with the said Treasurer, all such Bonds as shall at any Time hereafter be entered into, and given by any succeeding Sheriff of his County for the Purposes aforesaid, within nine Months after the Time of executing such Bond or Bonds, the said Clerk first recording such Bond or Bonds at Large, among the Records of his Court, an Attested Copy whereof, under the Hand of the said Clerk, in Case of the loss of the Original Bond, and due Proof thereof made shall be as good and valid in any Court of Law in this Province, against any such Sheriff and his Securities, their, or either of their Heirs, Executors, or Administrators, as if the Original Bond was there to be produced; and if any Clerk shall fail or neglect to record such Bond or Bonds, and lodge the same with the Treasurer of his District within the Time afore Limited, such Clerk shall be liable to a Suspension from his Office, on due Proof thereof Made to the Inferior Court whereof he is Clerk; and such Sheriff shall pay to the Clerk the accustomed Fees for recording the same.

VII. And be it further Enacted, by the Authority aforesaid, That the said Treasurers are hereby authorized, impowered, and required, to sue and Prosecute all such Sheriffs, Receivers of Duties, and other Persons, and the Security or Securities of any such Persons, their or either of their Heirs,

Executors or Administrators, who heretofore have received, or shall hereafter receive, any Public Monies, and have, or shall neglect to account for, satisfy and pay the same; And in Case of Neglect or Failure of either of the said Treasurers to commence Suit against, or otherwise prosecute any Sheriff, or other Person now in Arrear to the Public, within Six Months after the Ratification of this Act, and Receipt of such Bond so received as aforesaid, or those hereafter failing in Arrear to the Public, within Six Months after the Time by Law appointed for Collecting of, accounting for, and paying of Public Taxes and other Duties, and Receipts of such Bond or Bonds so to be received as afore directed, within the Time hereby limited, and directed for Commencing Suit against such Delinquent Sheriff, and other receivers of Public Monies, and their Securities; that then and in such Case, the said Treasurer shall be liable to, and stand chargeable with, all Arrearages due the Public from said Sheriff, and other receivers of Public Money within his respective District.

VIII. And be it further Enacted, by the Authority aforesaid, That the Public Treasurers in this Province shall keep an Account with the several Counties of their respective District, and therein Debit the Sheriff for the Year, with the Number of Taxables, as per list returned by the Clerk, and give such Sheriff Credit for all Insolvents allowed by the Inferior Court agreeable to Law, and also for the several Sums he shall receive from such Sheriff; which Accounts, and all others relative to the Receipt and Disbursement of Public Monies, shall at all Times be open for the Inspection and Perusal of the Governor, or Commander in Chief for the Time being; and shall by the Public Treasurer of each District, together with the Number of Taxables for each County, be laid before the General Assembly for their Examination, Approbation, and allowance; and the Governor or Commander in Chief for the Time being, may be the more readily Informed of the State of the Public Accounts, the Treasurer of each District shall transmit to him such Transcripts or Information as he shall from Time to Time require.

IX. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Five Years, from and after the passing thereof, and from thence to the End of the then next Session of Assembly, and no Longer.

CHAPTER VIII.

An Act for regulating Ordinaries, and Restraint of Tippling Houses.

I. Whereas the Laws now in Force have been found ineffectual for the due Regulation of Ordinaries, and Restraint of Tippling Houses;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Person desirous of setting up, or keeping an Ordinary, or House of Public Entertainment, shall exhibit a Petition to the Inferior Court of that County wherein such Ordinary, or House of Public Entertainment, is intended to be kept, for obtaining a License for keeping the same; and the Justices of the Court to whom such Petition shall be exhibited shall thereupon consider the Convenience of the Place Proposed, and the ability of the Petitioner, to keep good and sufficient Houses, Lodging, and entertainment for Travellers, their Servants and Horses; and if such Petition shall appear Reasonable, and the Person Petitioning be thought to be of Good Character, and sufficient abilities, such Court is hereby authorized and empowered to grant the Petitioner such License, he first, with one or more sufficient Securities, entering into Bond of the following

Tenor, to-wit: Know all Men by these Presents, That we A. B. and C. D. are held and firmly bound unto the Governor and Commander in Chief in and over the Province of North Carolina, in the Sum of ——— Pounds Proclamation Money, to be paid to the said ——— or his Successors, Governors, or Commanders in Chief for the Time being. To which Payment well and truly to be made, we bind ourselves, and every of us, our and every of our Heirs, Executors, or Administrators, jointly and severally, by these presents. Sealed with our Seals and dated this ——— Day of ———.

The Condition of this Obligation is such, that whereas the above Bounden A. B. hath obtained a Licence to keep an Ordinary at ——— in the County of ——— if therefore the said A. B. doth constantly find and provide in his or her said Ordinary Good, wholesome, and cleanly Lodging and Diet for Travellers, and Stabling, Fodder, Hay, Corn, Oats, or Pasturage, as the Season shall require for their Horses, for and during the Term of One Year, or to the Court of said County next succeeding, between the First Day of March and the Tenth Day of June, from the ——— Day of ——— and shall not suffer or permit any unlawful Gaming in his or her House, nor on the Sabbath Day suffer any Person to tippie or Drink any more than is necessary; then this Obligation to be void, otherwise to remain in full Force and Virtue. In witness whereof, etc. And in case of the Breach of, or not complying with Condition of the said Bond, it shall and may be lawful for any Person, in the Name of the Governor, or Commander in Chief for the Time Being, to sue for, and recover the Penalty of the said Bond; and apply one Half thereof to his Own Use, and the other Half to the Use of the Parish wherein the Cause of Action shall arise.

III. And be it further Enacted, by the Authority aforesaid, That when such Bond shall have been given and lodged in the Clerk's Office, the Clerk of such Court shall prepare a Licence for the Person to whom Ordered; which Licence shall be by the Clerk countersigned, and directed to a Person to be thereto commissioned and appointed by the Governor, or Commander in Chief for the Time Being.

IV. Provided always, That if the Governor or Commander in Chief, shall fail or neglect to appoint a Person for that Purpose, that then the First Justice in the Commission of the Peace for that County, is hereby impowered, Authorised, and required, to countersign and direct the same; which Licence shall continue in Force One Year, or to the next Inferior Court to be held in said County between the First Day of March and the Tenth Day of June; for which Twenty Shillings shall be paid to the Governor, or Commander in Chief for the Time Being; and the Clerk shall receive to his Own Use, for the Licence, Order of Court, and Bond, Five Shillings.

V. And be it further Enacted, by the Authority aforesaid, That no Person shall presume to keep a Tippling House, or retail Liquors, or sell by retail any Wine, Ale, Cider, Beer, Brandy, Rum, or other Spirits, or any Mixture of such Liquors, in any House, Booth, Arbour, Stall, or other Place whatsoever without Licence first had and obtained as aforesaid, in smaller quantities than by this Act permitted and directed; under the Penalty of forfeiting, for each and every Offence, Ten Pounds Proclamation Money.

VI. Provided always, That nothing herein contained shall be construed, deemed, or taken, to prohibit or restrain any Merchant, or other Person, to sell by retail, Wine, Brandy, Rum, or other Spirits, in any Quantity not less than a Quart, or Ale, Beer, or Cider, in any Quantity not less than a Gallon, if none of the said liquors are allowed to be tippied or drank out at the House, Store, or Plantation, where the same are sold.

VII. And be it further Enacted, by the Authority aforesaid, That all Per-

sons hereafter retailing Liquors, shall sell the same by sealed Measures, according to the Directions of an Act of Assembly, entitled, An Act for Regulating Weights and Measures; and any Person selling or retailing by any other Measures, shall for every Offence forfeit and Pay Ten Pounds, Proclamation Money,

VIII. Provided always, That it shall and may be lawful for any Ordinary Keeper, licenced agreeable to the Directions of this Act, to sell Liquors in Bottles, Bowls, or Mugs, so as they charge for no More than the quantity of Liquor the said Vessel shall contain.

IX. And be it further Enacted, by the Authority aforesaid, That if any Ordinary Keeper shall sell to any Person in his or her House immoderate Quantities of Strong Liquors, whereby such Person may be intoxicated, on the Sabbath Day; or entertain Servants or Slaves, against the Will of their Master or Mistress; or Common Sailors, against the Direction of the Captain or Master of the Vessel to which they belong; Every Ordinary Keeper so offending shall and may, by order of Two Justices before whom such Offence shall be proved, be from thenceforth suspended, and as entirely disabled from keeping an Ordinary, as if he or she had never obtained a Licence for that Purpose.

X. Provided nevertheless, That such Ordinary Keeper may be heard by the Justices at the next Court, or any succeeding Inferior Court of the County wherein the Licence was granted; who if they think Proper, may restore such Ordinary Keeper, by granting him a New Licence.

XI. And be it further Enacted, by the Authority aforesaid, That if any Person which, after being suspended and disabled from keeping an Ordinary, according to the Directions of this Act, shall sell or retail Liquors, until he or she shall obtain another Licence for such Purpose, shall be liable to the same Penalties as if a Licence had never been granted to him or her.

XII. And be it further Enacted by the Authority aforesaid, That the Justices of each County shall, at the Court to be held for each respective County between the First Day of March and the Tenth Day of June, annually (at which Court all ordinary Licences are hereby directed and required to be renewed, if intended to be renewed or continued) shall set the Rates and Prices to be paid at Ordinaries for Liquors, Diet, Lodging, Corn, Oats, Provender, Stablage, Fodder, and Pasturage, under the Penalty of forfeiting Five Pounds for each Neglect; and every Ordinary Keeper shall, within One Month after the Rates shall be set by the County Court where his or her Licence shall be granted, obtain of the Clerk a True and Fair Copy of such Rates, for which the Clerks may take two Shillings and Six Pence, Proclamation Money, and no More; which Copy shall be openly set up in some Convenient Place in the common entertaining Room of such Ordinary, and there kept till the Rates are again set by the Court, and then another Copy thereof shall be again so obtained, and kept from Time to Time, under the Penalty of forfeiting for each Neglect, in obtaining and keeping set up such Copy, Five Pounds, Proclamation Money.

XIII. And be it further Enacted, by the Authority aforesaid, That every Ordinary Keeper who shall Charge, ask, or demand, a greater price for any Drink, Diet, Lodging, Fodder, Provender, Corn, Oats or Pasturage, than rated by the Justices, according to the Directions of this Act, shall for every Offence, forfeit Ten Shillings; to be recovered by the Informer, to his Own Use, by a Warrant from a Justice of the Peace of the County where such Offence shall be committed.

XIV. And be it further Enacted by the Authority aforesaid, That no

Ordinary Keeper shall sell or credit Liquors to any Common Sailor, without Leave of the Master of the Ship or other Vessel to which he belongs, under the Penalty of losing the Money which otherwise he or she might recover for the Liquors so sold on Credit to such Sailor; nor sell Drink upon Credit to any other Person to a greater Sum than Five Pounds, unless such Person shall sign a Book in acknowledgment of the said Debt, under the Penalty of losing the Money for the Whole of the Liquor so credited; and in Action Brought for the Recovery of such Debt, the General Issue may be pleaded, and this Act given in Evidence.

XV. And be it further Enacted by the Authority aforesaid, That from and after the Passing this Act, all Keepers of Public Ferries or Bridges within this Province, where the Ferriage or Bridge Toll is above Four Pence, Proclamation Money, for a Man and Horse, shall be obliged to furnish all Travellers with Entertainment at Tavern Rates, and shall take out License for that Purpose; and if any Keeper of any such Public Ferry or Bridge shall refuse or neglect to furnish such Entertainment, or to take out such License such Ferry or Bridge Keeper shall forfeit and pay for each Offence the Sum of Ten Pounds, Proclamation Money, to any Person who shall sue for the same.

XVI. And to the End that Ordinaries, or Houses of Public Entertainment, may be the more readily and generally Known by Travellers and others; Be it therefore further Enacted, by the Authority aforesaid, That every Person who shall obtain a Licence agreeable to the Directions of this Act, from and after the First Day of March next, shall, within One Month after obtaining License as aforesaid, set up or cause to be set up in Public View, at his dwelling House, or the House where such Ordinary shall be kept, a Sign with an Inscription thereon, denoting the same to be an Ordinary, or House of Public Entertainment, under the Penalty of forfeiting Forty Shillings, Proclamation Money, for every Month the said Ordinary, or House of Entertainment, shall be kept, without having a Public Sign set up as aforesaid.

XVII. And be it further Enacted by the Authority aforesaid, That all the Penalties and Forfeitures in this Act, the Method of recovering and applying whereof are not particularly directed, shall be one Half to the Governor, or Commander in Chief for the Time Being, the other half to him or them who shall sue for the same; to be recovered with Costs, before any Jurisdiction having Cognizance thereof.

XVIII. And be it further Enacted by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof heretofore made, so far as relates to regulating Ordinaries and Restraint of Tippling Houses, or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes whatsoever.

CHAPTER IX.

An Act for regulating the Inspection of Tobacco, and preventing Frauds in his Majesty's Customs.

I. Whereas the Laws heretofore in Force, respecting the Inspecting of Tobacco in this Province, have been found ineffectual to answer the Purposes thereby intended;

II. Be it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That for the more effectual preventing the Expor-

tation of Trash, unsound, and unmerchantable Tobacco, all Tobaccos, which from and after the passing of this Act shall be exported out of this Province by Sea, shall be first brought to some one of the Public Warehouses herein after mentioned, and shall be viewed and inspected in Manner as herein after expressed.

III. And be it further Enacted by the Authority aforesaid, That no Person shall put on Board, or receive into any Ship, Sloop, Boat, or Pettiauger, or other Vessel, in order to be exported therein, any Tobacco not packed in Hogsheads or Casks, upon any Pretence whatsoever, nor in any Hogshead or Cask, to be in any Ship, Sloop, or other Vessel, exported out of this Province by Sea, before the same shall have been Viewed and inspected according to the Directions of this Act; but that all Tobacco whatsoever to be received or taken on Board any Ship, Sloop, or other Vessel, and to be therein exported, or carried or put on Board any other Ship, Sloop or other Vessel for Exportation as aforesaid, shall be received or taken on Board at the several Warehouses for that Purpose herein after Mentioned, or at some one of them, and at no other Place or Places whatsoever; and every Master, Mate or Boatswain who shall arrive in this Province in order to lade Tobacco during the Continuance of this Act, shall, before the said Ship or Vessel be permitted to take on Board any Tobacco whatsoever, make Oath before the Collector of the Customs of the District wherein such Ship or Vessel shall arrive (which Oath the said Officer is hereby Impowered and required to administer) that they will not permit any Tobacco whatsoever to be taken on Board their respective Ships or Vessels, except the same be packed in Hogsheads or Casks, stamped by some Inspector thereto legally appointed which Oath they shall subscribe in a Book to be kept by the Collector of the Customs for that Purpose; any if any Master shall cause any Person who is not really and Bona Fide Mate or Boatswain, to come on shore and take such Oath, he shall for the said Offence, forfeit and pay Twenty Pounds; And if any Master or Commander of any ship or Vessel shall take on Board, or suffer to be taken on Board, the Ship or Vessel whereof he is Master or Commander any Tobacco brought from any other Place than some or one of the Public Warehouses herein after mentioned, or any Hogshead or Casks, of Tobacco not stamped by some Lawful Inspector, or shall suffer to be brought on Board any Tobacco, except in Hogshead or Casks, stamped as aforesaid; every such Master or Commander shall forfeit and pay Twenty Pounds, Proclamation Money, for every Hogshead or Cask of Tobacco which shall not have been brought from one of the said Public Warehouses, or shall not be stamped as aforesaid; and moreover, every such Hogshead or Cask of Tobacco shall be forfeited.

IV. And forasmuch as the Permitting Tobacco in Bulk or Parcels to be Water born, on Pretence of being carried to Warehouses established by this Act, may give great Opportunity to the clandestine running the same on Board Ships or Vessels lying at or near the said Warehouses, whereby the evil of Exporting Trash Tobacco may be still continued; Be it further Enacted by the Authority aforesaid, That if any Person taking upon himself to carry any Tobacco to or from any of the said Warehouses, in his Sloop, Boat, or other Vessel, for Hire, shall presume to take on Board any Tobacco whatsoever in Bulk or Parcels, such Tobacco shall not be only Forfeited, and may be seized by any Person or Persons whatsoever, but the Master or Skipper offending herein, shall forfeit and pay Twenty Shillings for every Hundred Pounds Weight of such Tobacco, and so in Proportion to a greater or lesser Quantity; and the Master or Commander of any Ship or Vessel, wherein any Tobacco in Bulk or Parcels shall be found, shall, over and

above the forfeiture thereof, be subject and liable to the same Penalty; to be recovered if it does not exceed Forty Shillings, before any Justice of the Peace of any County near the Place where such Vessel shall lie; and if it exceeds Forty Shillings, in any Court of Record, by Action of Debt, wherein the Plaintiff shall recover his Costs; And if any such Vessel be under the care and Management of a Servant who cannot satisfy and pay the said Penalty then such Servant shall, upon Conviction thereof made before any Justice of the Peace, have and receive, by Order of such Justice, Thirty Nine Lashes well laid on; and if any Servant shall again be trusted with the Care and Management of any Sloop, Boat, or other Vessel, and shall be convicted a second Time of taking or receiving on Board the same, any Tobacco in Bulk or Parcels, contrary to the Directions of this Act, the Owner of such Servant shall forfeit and Pay the like Sum of Twenty Shillings for every Hundred Pounds Weight of such Tobacco; and shall also forfeit and pay Five Shillings for every Day such Servant shall thereafter be employed as Skipper of any Sloop, Boat, or other Vessel to him belonging; to be recovered and applied as aforesaid.

V. Provided always, That nothing herein before contained shall be construed to prohibit any Person from carrying, or causing to be carried to the said Warehouses, in any Boat or other Vessel, Tobacco in Bulk or Parcels, for the Payment of his or her Taxes, Dues, or Duties.

VI. And be it further Enacted by the Authority aforesaid, That every Master of a Ship or Vessel wherein Tobacco shall be laden to be exported, shall at the Time of clearing, deliver to the Collector Two fair Manifests of all the Tobacco on Board the said Ship or Vessel, expressing the Marks and Numbers of every Hogshead, and the Tare and Nett weight stamped thereon, the Person by whom shipped and from what Ware house, and shall make Oath thereto, and that the same is a Just and true Account of the Marks, Number, Tare and Nett weight, of each respective Hogshead, as the same was taken down by the Person or Persons appointed by him to take the same, before the said Tobacco was stored away; and no Ship or vessel shall be cleared by the Collector, before he shall have received such Lists or Manifests; one of which said Manifests shall by the said Collector be annexed to such Master's Certificate or Clearance, to the End the same may be delivered to the Chief Officer of the Customs in such Port or Place where the said Vessel shall unlade; and the other of the said Manifests shall, by the said Collector, be transmitted to the said Chief Officer of the Customs by the next convenient Opportunity.

VII. And be it further Enacted, That if the Skipper of any Sloop, Boat, Pettiauger, or other Vessel, or other Person or Persons to whom the care and Management thereof shall be intrusted, shall put on Board any Ship or other Vessel to be Exported as herein before Mentioned, any Hogshead, Casks, or Package of Tobacco, put on Board the same to be carried to any Public Warehouse by this Act appointed for the Reception and Inspection of Tobacco, so as the same be not delivered at some one of the Public Warehouses, without Fraud or Embezzlement; or shall open any Hogsheads of Tobacco before the same be viewed by the Inspectors, according to the Directions of this Act; or after the same has been viewed, shall fraudulently open any Hogshead or Cask, and take thereout any Tobacco; every such Offence shall be adjudged Felony, and the Offender or Offenders shall suffer as in Cases of Felony.

VIII. Provided always, That nothing herein contained shall be construed to prohibit the Putting on Board any Ship or other Sea Vessel, any Hogshead, Cask, or Package of Tobacco, out of any Sloop, Boat, or other Vessel

which by Distress of Weather shall be forced aground, or become leaky, so as such putting on Board any Sea Vessel shall be really and Bona Fide for the Preservation of the Tobacco laden in such Sloop, Boat, or other Vessel; and that the same be, with all convenient Speed, carried thereafter to the Warehouse to which it was designed, without Imbezzlement.

IX. Provided also, That if by the Accident aforesaid, or the Negligence of the Master or Skipper of any Vessel, any Tobacco which hath been viewed and stamped shall, in its Carriage to the Ship in which it is intended to be exported, receive so much Damage as that the Master of such Ship will not receive it on Board, every Hogshead or Cask of Tobacco so damnified shall, with all convenient Speed be carried to some Warehouse appointed by this Act, and there lodged until the Owner of the said Tobacco, or Master of the Vessel in which it was Damaged, shall have separated the same, and repacked the Good Tobacco, and then the same shall be weighed and stamped with the weight by the Inspectors attending such Warehouse, without Fee or Reward; but if the Owner of such Tobacco, or Master of the Vessel in which it was, fail or delay to separate and repack the same within Ten Days, then the Inspectors at the Warehouse where such Damaged Tobacco shall be landed shall, and they are hereby required and enjoined, to separate, repack, Stamp and weigh the same; and such Inspectors shall have and receive of the Owner of such Tobacco, Five Shillings for each Hogshead or Cask of Tobacco, to be paid by such Owner, before the said Tobacco shall be delivered out for Exportation.

X. Be it further Enacted, by the Authority aforesaid, That all Tobacco which shall be brought to any of the Public Warehouses herein after mentioned, shall be viewed and inspected by Two Persons to be thereto appointed in Manner following, that is to say: The Courts of the several Counties within this Province, wherein any of the Public Warehouses appointed by this Act are established, shall and may, and they are hereby required, once in every Year, between the First Day of March and the last Day of August, yearly, to nominate and appoint, for each of the Public Warehouses within their Counties, Two fit and able Officers of Inspection, reputed to be skillful in Tobacco, for the Office of Inspectors; which Nomination and Appointment the said Courts shall cause to be entered upon Record, which shall be a sufficient Appointment of such Officers; and also in Case of the Death, Resignation, or Removal of any Inspector, the said Court shall and may nominate and appoint another to succeed him, until the next Nomination of Inspectors.

XI. And be it further Enacted, That if any Inspector shall hereafter accept, receive, or take, directly or indirectly, any Fee, Gratuity, Service, or Reward whatsoever, of any Person for resigning or giving up his Office of Inspector, he shall not only be disabled for ever from holding the like Office, but for such Offence shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court where the same is cognizable: And every Person offering and Paying, directly or indirectly, any Fee, Service, Gratuity, or Reward whatsoever, to any Inspector, to resign his Office, shall, for the said Offence, be for ever disabled from holding the Office of Inspector within this Province.

XII. Provided always, That no Justice of the Peace, being Inspector or recommended to be such, shall be allowed to vote in the Nomination and appointment of Persons to be Inspectors as aforesaid.

XIII. Provided also, That every Person appointed, or to be appointed as Inspector, by Virtue of this Act, shall, before he enters upon the Execution of his said Office, enter into Bond, with good Security, in the Penalty of

Five Hundred Pounds, Proclamation Money, payable to his Majesty, his Heirs and Successors, with Condition for the True and faithful Performance of his Duty, according to the Directions of this Act; and shall also have the following Oath administered to him to-wit:

You shall swear, That you will diligently and carefully view and examine all Tobacco brought to any Public Warehouse, whereof you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and inspect; and that not separate and apart from your Fellow, but in his Presence; and that you will not receive any Tobacco that is not in your Judgment sound, well conditioned, merchantable, and clear of Trash; nor receive, pass, or stamp, any Tobacco Hogshead, or Cask of Tobacco, prohibited by an Act of Assembly, intituled, An Act for regulating the Inspection of Tobacco, and preventing Frauds in his Majesty's Customs; and that you will not change, alter, or give out any Tobacco, other than such Hogshead or Cask for which the Receipt to be taken in was give; but that you will in all things well and Faithfully discharge your Duty in the Office of an Inspector according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality. So Help You God.

Which Oath shall and may be administered before the Inferior Court of the County wherein such Inspector shall reside: And if any Person shall Presume to execute the Office of Inspector before he shall have given such Bond, and taken such Oath as aforesaid, he shall forfeit and pay Fifty Pounds, Proclamation Money.

XIV. And be it further Enacted, That all Inspectors to be appointed in Virtue of this Act, shall constantly attend their Duty at their Warehouse under their Charge, from the Tenth Day of October to the Tenth Day of July, yearly, unless otherwise directed by the Inferior Court of the County; and at other Times they, or one of them, shall attend to deliver out Tobacco for Exportation till all the Tobacco remaining there on the said Tenth Day of July shall be delivered out; and every Inspector neglecting to attend as aforesaid (except as before excepted) shall forfeit and pay to the Party grieved Five Shillings for every Neglect, or shall be liable to the Action upon the Case of the Party grieved, to recover such Damages as he or she shall have thereby sustained, together with his or her full Costs, at the Election of such Party: And all Inspectors shall uncase and break every Hogshead and Cask of Tobacco brought to them to be inspected as aforesaid; and if they shall agree that the same is good, sound, and well Conditioned, merchantable, and clear of Trash, then such Tobacco shall be weighed in Scales, with weights of the lawful Standard; and the Hogshead or Cask shall be stamped and marked, in the presence of the said Inspectors, or one of them, with the Name of the Warehouse, and also the Tare of the Cask, and the Quantity of Nett Tobacco therein contained: But if the Two said Inspectors shall at any Time disagree concerning the quality of any Tobacco received by them, they shall, without delay, call from the nearest Inspection another Inspector, who shall determine the difference and pass or reject such Tobacco: And where any Inspector shall happen to be sick, or unable to attend his Duty, in that Case it shall be lawful for any Inspector at any other Warehouse to view, inspect, and pass Tobacco in his Room: And when any Inspector shall bring his own Tobacco to the Warehouse whereof he is Inspector, the same shall not be passed or stamped until it be first Examined, and found qualified and good as aforesaid, by the other Inspector there attending, and one or both Inspectors from some other Warehouse, as the Case may require.

XV. And be it further Enacted by the Authority aforesaid, That it shall

and may be lawful for any Magistrate of the County wherein any Person appointed to the Office of Inspector shall happen to die, be removed, or otherwise disabled to act in the said Office, on Application Made, to issue a Summons to any Two other Justices of the said County; who, together with himself, or any Two of them, shall, and they are hereby authorized and required, to nominate and appoint one other Person to officiate as Inspector, in the Room of the Inspector so dead or disabled as aforesaid; which said Inspector shall be under the like Rules and Restrictions as other Inspectors appointed by the Court; which said Inspector shall continue to execute the said Office until the Court of the said County shall make further appointment, or till the Disability of the former Inspector be removed, as the Case may be.

XVI. And be it further Enacted, That for all such Tobacco as shall be brought to any of the said Warehouses, the Inspectors thereof, after having inspected and weighed the same, shall be obliged to deliver to the Person bringing the same, as many Promissory Notes, under their Hands, as shall be required, for the full quantity of Tobacco received by them; in which shall be expressed, whether the Tobacco so received be sweet scented, or Oronoke, stemmed or leaf; which Notes shall bear Date the Day such Tobacco was passed, and shall be, and are hereby declared to be current in Tobacco, Payments, according to the Species expressed in such Notes, and shall be transferable from one to another in all such Payments, and shall be paid by the Inspectors who signed the same, upon Demand; And for every Hogshead of Tobacco brought to any Public Warehouse for the Discharge of any Public or Private Debt, in Good Cask, of such Dimensions as herein after expressed, there shall be allowed by the Inspector thereof, to the Person bringing the same, Three Shillings and Nine Pence for each Hogshead; and the Inspectors shall be, and they are hereby obliged, to make every Hogshead by them paid away, in Discharge of any such Notes by them given, to contain One Thousand Pounds of Nett Tobacco, at least; and for every such Hogshead of Tobacco by them paid away well lined and nailed, fit for shipping, there shall be paid by the Person receiving the same, Five Shillings for Inspecting, and Six Pence for Nails; which said Six Pence the said Inspectors shall and may retain in their own Hands, to reimburse them the Expence of providing Nails; and the Person demanding or receiving Tobacco in Discharge of Notes as aforesaid, shall allow the Inspectors Thirty Pounds of Tobacco for each Hogshead so received for the Cask; and Two Pounds of Tobacco for every Hundred contained in such Notes, and proportionably for a Greater or lesser Quantity, for Shrinkage and Wastage, if the said Tobacco be paid within two Months after the Date of the Note given for the same; and One Pound of Tobacco for every Hundred for every Month the same shall be unpaid after the said Allowance, so as such Allowance do not exceed in the Whole Six Pounds of Tobacco for every hundred: And if any Inspector or Inspectors by whom any such Notes shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every Inspector so delaying or refusing, shall forfeit and pay to the Party Injured, double the Value of the Tobacco so delayed or refused to be paid; to be recovered with Costs in the Name of the Party Injured, in any Court within this Province, wherein the same is Cognizable, if the Note or Notes do exceed Two Hundred Pounds of Tobacco; and if the said Notes shall not exceed Two Hundred Pounds of Tobacco, then the Double Value as aforesaid may be recovered, before any Justice of the Peace for the County wherein the said Note or Notes ought to have been paid: And no Inspector or Inspectors shall receive, pass, or Pay away, any Hogshead or Hogsheads of

Tobacco containing Leaf and Stemmed Tobacco in the same Hogshead.

XVII. And be it further Enacted by the Authority aforesaid, That all Tobacco brought to any of the said Warehouses in Hogsheads or Casks, to be exported as aforesaid, on Account, and for the Use of the Owner thereof, after the same shall have been viewed, passed, weighed, and stamped, as herein before directed, the said Inspectors shall deliver to the Owner of the same, as many Receipts signed as aforesaid, as shall be required, for the Number of Hogsheads so brought and stamped, expressing whether the same be sweet-scented or Oronoko, stemmed or Leaf; and there shall be paid to the Inspector or Inspectors there attending, Three Shillings for Inspecting and Stamping the same; and the Owners of the said Tobacco shall Provide Nails for the nailing thereof; and if any Inspector or Inspectors shall alter, change or deliver out any Hogshead or Cask of Tobacco, other than the same for which the Receipt to be taken in was given, such Inspector shall not only forfeit and pay the Double Value of such Tobacco so altered and changed, but he or they shall moreover forfeit his or their Bonds respectively given for the Due Execution of the said Office: And all Inspectors shall, and they are hereby obliged and required, to take in any Receipts by them given for Tobacco; and after having weighed such Tobacco, to give Transfer Notes for the same, with an Allowance of Three Shillings and Nine Pence for the Cask.

XVIII. And be it further Enacted, That during the continuance of this Act, no Tender of any Debt or Duty, payable in Tobacco, shall be accounted lawful, unless the same be tendered in Inspectors Notes or Receipts; nor shall any Crop Notes or Receipts of an Older Date than Eighteen Months, be a Lawful Tender in any Case whatsoever.

XIX. And for the restraining the undue Practice of mixing Trash with stemmed Tobacco, and preventing the packing of Tobacco in unsizable Casks; Be it Enacted and declared, That all Stemmed Tobacco not laid Straight, whether the same be packed loose or in Bundles, shall be accounted unlawful; and that no Tobacco packed in hogsheads, which exceed Four Feet in the length of the stave, or Thirty Inches across the Head within the Croze, allowing Two Inches at the prizing Head, shall be passed or received; but the owner of such Tobacco packed in Casks of greater Dimensions than before expressed, shall be obliged to repack the same into sizable Casks, at his own Costs and Charges, before the same be received and stamped by the said Inspectors.

XX. And be it further Enacted, That when any Tobacco shall be brought to any public Warehouse, and refused by the Inspectors there officiating the same shall be immediately burnt by them, unless the Owner or Person bringing the same, desires to sort and separate it and pick out such as is bad; in which Case the Inspectors shall permit the same to be done at the Warehouse, without Fee or Reward; but shall not on any Pretence, suffer the said Tobacco to be removed from the said Warehouse; and the Inspectors shall allow one Month for picking the said Tobacco, after which Time if it be not done, it shall be lawful for them to burn the Whole (except the same is in a sweat, or where the Circumstances or Accidents of Weather prevent the Handling of it) in which Case, the Inspectors shall allow such further Time as they shall think reasonable; and where any Tobacco shall be so separated and picked, the trash Tobacco shall be burnt by the Inspectors the same Day it is picked out, under Penalty of forfeiting Five Shillings for every Failure; to be recovered by a Warrant from a Justice, to the Use of the Informer And if any Tobacco packed in Cask by an Overseer, or the Hands under his Care, shall be burnt by the Inspectors, by Reason of its

being bad, unsound or not in good condition, the Overseer who had the Care of making and packing the same, shall bear the Loss of the Tobacco so burned. And if any Tobacco shall remain, undemanded, in the Public Warehouse, three Years after the same is inspected, the Inspectors of such Warehouse shall advertise a List of the Marks, Numbers and weights of such Tobacco at the Court of their County, Two Courts successively next after the expiration of the Three Years as aforesaid; and if no Owner appears to claim the same within that Time, the Court is hereby impowered and required to order the said Tobacco to be sold, publickly, at the Court House Door, on the last Days of the same Court, to the Highest Bidder; and the Money arising therefrom to be accounted for by the said Inspectors, and by the Court applied to the use of the County: And if any Person shall afterwards prove his Right to any Tobacco so sold, the Court shall repay such Person the Money for which the same was sold.

XXI. And to the End that the Just Quantity of Tobacco exported may be more exactly Known, and every evil practice to defraud his Majesty of his Customs prevented; Be it Enacted by the Authority aforesaid, That all Inspectors shall carefully enter in a Book, to be kept for that Purpose, the Marks, Numbers, Gross, Nett Weight and Tare of all Tobacco viewed and stamped by them as aforesaid and in what ship or vessel the same shall be laden or put on board; and shall also with every Vessel load of Tobacco, send a list of the Marks, Numbers, Gross nett Weight and Tare of every Hogshead of Tobacco then delivered, to be given to the Master of the Ship or other Vessel which the same shall be put on Board; And if the Tobacco delivered to the same Sloop, Boat, or Pet-tiauger, is intended to be put on Board several Vessels, then they shall deliver so many Distinct and several Lists as aforesaid, of the Hogsheads to be put on Board such Ships or Vessels, respectively; which Lists every Master of a Ship or Vessel is required to produce to, and lodge with the Collector of the Customs of the District where the Ship or Vessel whereof he is Master shall ride, or by whom he shall be cleared, some Time before her Clearance; But whereas it may happen that the Ship in which such Tobacco contained in such List cannot receive the same on Board, in such Case it may and shall be lawful to ship the said Tobacco, or any Part thereof, on Board any other Ship or Ships, where the Owner thereof shall think fit; the Master of such Ship endorsing on the said Lists the Marks and Numbers of the respective Hogsheads by them taken on Board, and giving Notice to the Inspectors of the Warehouses from whence the same was brought; or if there be no ship to receive the said Tobacco, then it shall be lawful for the Master of the first mentioned Ship or Vessel to put the said Tobacco into any Warehouse in the District where such Ship shall ride, giving Notice thereof to the Inspectors who stamped the same; and the Inspectors of that Warehouse where such Tobacco shall be landed shall give a Receipt for the same; and shall cause the said Tobacco to be safely lodged and delivered to the Order of the Owner whenever he shall think fit to ship it off, and that without Fee or Reward.

XXII. And be it further Enacted, That if any Person whatsoever shall Forge or Counterfeit the Stamp, Note, or Receipt of any Inspector, to tender in Payment any such Counterfeit or forged Note or Receipt, knowing it to be such; or export or cause to be exported, any Hogshead or Cask of Tobacco stamped with a forged or counterfeited Stamp; or demand Tobacco of any Inspector upon such Forged or counterfeited Note or Receipt, knowing such Note, Receipt or Stamp to be forged; or shall put or pack into any Hogshead or Cask of Tobacco, stamped by the said Inspector, any Tobacco

whatsoever; or take out any Stave, Plank or Heading, so stamped as aforesaid, of any Hogshead or Cask of Tobacco, after such Hogshead or Cask of Tobacco shall be delivered out of any of the Public Warehouses aforesaid; every Person so offending, and being thereof convicted, by due Course of Law shall be adjudged a Felon, and suffer as in Cases of Felony.

XXIII. And be it further Enacted by the Authority aforesaid, That if any Inspectors Notes or Receipts be casually Lost, mislaid or destroyed, the Person or Persons entitled to the same shall make Oath before a Justice of the Peace of the County where the same is Payable, for what Quantity of Tobacco the same was given, that such Note or Receipt is lost, or mislaid or destroyed; and that he, she, or they, at the Time such Note or Receipt was lost, was lawfully entitled to receive the Tobacco therein mentioned; and upon producing a Certificate of such Oath to the Inspectors who signed the said Note or Receipt, and lodging the same with them, the said Inspectors shall, and are hereby required, to pay and deliver unto the Person producing such Certificate, the Tobacco for which any such Note was given, if the same or any Part thereof, shall not have been before by them paid by Virtue of the said Notes; and shall be thereby discharged from all Actions, Suits, or Demands, on Account of such Notes or Receipts; And if any Person shall be convicted of making a False Oath, or producing a Forged Certificate, in the Case aforesaid, knowing the same to be forged, he shall forfeit and pay the Sum of Twenty Shillings, for every Hundred Pounds Weight of Tobacco contained in such Certificate, recoverable before any Jurisdiction where the same is cognizable; and moreover upon Conviction, shall suffer as in Case of Willful Perjury.

XXIV. And be it further Enacted by the Authority aforesaid, That Public Warehouses for the Inspection of Tobacco, pursuant to this Act, shall be kept at the several Places herein after mentioned, that is to say; In Chowan at Edenton; in Hertford on Chowan River, where the Court shall appoint; in Northampton, at Jones's, and the Pitch Landing; in Halifax at the Town of Halifax; in Edgecomb at Tarborough; in Cumberland at Campton; In Dobbs County at Dixon's, at Kingston, and Shepherd's; And there shall be paid to the Inspectors for attending at Halifax Inspection, Fifty Pounds, Proclamation Money, per Annum, each; and at all the other Places of Inspection above mentioned, the Salaries to the Inspectors shall be ascertained by the Inferior Court of the County in which the same are.

XXV. And be it further Enacted, That at all the said Warehouses, there shall be paid and allowed, for the Rent of the same, Eight Pence Proclamation Money, for every Hogshead of Tobacco that shall be received, inspected, and delivered out of such Warehouses, respectively.

XXVI. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the respective County Courts, wherein any of the said Warehouses are appointed, and they are hereby required, if not already done, to value an Acre of Land, at every Place within their County, where Public Warehouses are by this Act appointed, and to agree with any Person or Persons, for erecting and building thereon, such Warehouses, Wharfs, and other Conveniences as shall be necessary and to take Bond with good Security, from such Person or Persons, for performing such Agreement; and the said Justices shall pay the Owner of the Land the Money at which the same shall be valued as aforesaid; and upon paying or tendering thereof, the Justices of the said County for the Time being shall, from thenceforth, have an Estate in Fee simple, in such Lands, during the Time such Place shall be made Use of for a Public Warehouse: And the said Justices shall, and are hereby empowered and authorized, to levy

the charge and expence thereof upon the Inhabitants of their County; and shall take and receive the Rents of the Tobacco which shall be received and inspected at the said Warehouses in pursuance of this Act, for reimbursing the said County the Charge of purchasing the said Land, and building thereon; And where the Justices of any County Court have already built Warehouses on the Lands of another Person, by Virtue of any Law heretofore in Force, the said Justices shall, in like Manner be seized in Fee, of the Land upon which such Warehouses are built, so long as the said Places respectively shall be made use of for Public Warehouses; But if any of the said Places, whereon Warehouses are, or shall be by the Justices erected, shall hereafter happen to be discontinued, the Proprietor of the Land shall, from thenceforth, stand seized of his former Estate.

XXVII. Provided nevertheless, That nothing herein contained shall be construed to give Power to the said Justices to take away the House, Orchards, or other Immediate Conveniences, of any Proprietor of Land, for the Uses or Purposes aforesaid; And the Justices of the Peace of the several Counties wherein any of the said Warehouses are by this Act appointed within their County, shall, and are hereby declared to have full Power, to put in Execution so much of this Act as relates to building and erecting Public Warehouses, and to regulate all matters concerning the same; and to direct the rebuilding and repairing thereof, and other Conveniences, from Time to Time as to them shall seem necessary: And if upon Application of the Inspectors to their County Courts, for Building and Making other Necessary Houses, Wharfs and Repairs, such County Courts shall refuse or fail to do their Duty therein, every such Justice so refusing or failing, shall forfeit and pay Five Pounds Proclamation Money; to be recovered before any Jurisdiction having Cognizance thereof, with Costs, by Action of Debt or Information, against such Justices jointly.

XXVIII. And be it further Enacted, That if any of the Warehouses herein before Mentioned shall happen to be burnt by Accident, the Value of the Tobacco so Burnt shall be paid to the Persons injured by the several Counties wherein the same was made, and be levied by the several County Courts thereof, at the Time of laying their County Levy, next after such Loss happened; And in Case of such Accidents, no Inspector shall be sued or Molested by Reason of any Promissory Notes or Receipts by them given for any Tobacco so Burnt, but the same shall altogether be discharged; any Thing herein contained, to the contrary, notwithstanding.

XXIX. And be it further Enacted by the Authority aforesaid, That there shall be kept at each of the said Warehouses herein before Mentioned, and at all others to be hereafter appointed, a good and sufficient Pair of Scales, with weights, to weigh Twelve Hundred Pounds at least; and where the same shall at any Time be wanting, the Justices of the respective County Courts may, and are hereby directed to provide the same, at the Expence of their respective Counties; And the Inspectors of each respective Warehouse shall, once a Year at least, apply to the Keeper of the Public Standard, and by the same examine and try the said Scales and Weights, and adjust the same; and if the said Inspectors shall neglect or refuse to do, he or they so neglecting or refusing, shall forfeit and Pay the Sum of Twenty Shillings, Proclamation Money, and the Charge of amending and repairing the said Scales and Weights; and also for removing the Standards for trying the same, shall be allowed to the said Inspectors in their Account with the Court.

XXX. And be it further Enacted, That any Justice of the Peace of any County, near the Place where any Ship or other Vessel shall ride, upon Complaint made to him by any Person that suspects any Tobacco to be put on Board such Ship or other Vessel in Hogsheads, Casks, or Packages, or in Bulk or Parcels, in order to be shipped off and exported as aforesaid, without being inspected, shall, and is hereby required, to issue his Warrant, directed to the Sheriff, Under Sheriff, or Constable of his County; and the Sheriff, Under Sheriff or Constable, shall have full Power and Authority, and he is hereby required, to enter and go on Board such Ship or other Vessel, to search for and seize such Tobacco; and the same so seized shall be brought on Shore, and be carried before the same or any other Justice, who shall Cause the same to be immediately Burnt by such Sheriff or other Officer; And if the Master or Commanding Officer of any Ship or Vessel, or any other Person Whatsoever, shall resist the Sheriff or other Officer, in the Execution of any such Warrant, every such Master or Commanding Officer shall forfeit and Pay the Sum of Fifty Pounds, Proclamation Money; and every Skipper, Sailor, or other Person so resisting, shall forfeit and pay the Sum of Ten Pounds like Money: And in Case any Action shall be brought against any of the said Officers, for doing any Thing in Execution of this Act, the Defendant may plead the General Issue, and give this Act in Evidence; and if the Plaintiff shall be non-suited, or Judgment pass against him, upon a Verdict or Demurrer, the Defendant shall recover Double Costs.

XXXI. And be it further Enacted by the Authority aforesaid, That no Person taking upon himself the Office of Inspector, shall, during his Continuance therein, or within One Year after, be capable of being elected a Member of the House of Assembly; nor shall directly or indirectly, by Himself or any other Person, buy or Receive, by way of Barter, loan or exchange, any Tobacco whatsoever; under the Penalty of Forfeiting Twenty Shillings, Proclamation Money, for every Hundred Weight of Tobacco so Bought or received.

XXXII. Provided always, That nothing herein contained shall be construed to hinder any Inspector from receiving his Rents in Tobacco, which shall have been first viewed, examined and stamped, according to the Directions of this Act.

XXXIII. And be it further Enacted by the Authority aforesaid, That no Inspector shall take, accept, or receive, directly or indirectly, any Fee, Gratuity or Reward, for any Thing by him to be done by Virtue of this Act, other than the Salary and other Allowances herein before Mentioned; under the Penalty of Fifty Pounds, Proclamation Money; to be recovered with Costs, by any Person who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record having Cognizance thereof and moreover shall be disabled from holding the said Office during the Continuance of this Act; And the Person or Persons giving or offering any such Bribe, shall in like manner forfeit and pay the Sum of Five Pounds Like Money; one half to the Informer and the other Half to our Sovereign Lord the King, for supporting the contingent Charges of this Province.

XXXIV. And be it further Enacted, That when any Person shall be entitled to receive any Hogshead of Tobacco, by Virtue of any Inspectors Notes or Receipts, the Inspectors shall be obliged to open the Hogshead, and shew such Tobacco to the Person demanding the same, if required, whether the same be Crop or Transfer; and if such Person shall refuse to accept of the Tobacco offered or tendered him in Payment, as bad, unsound and unmerchantable, such Person so refusing, shall make immediate application to any Three Justices, near or nearest, within the same County; and

the said Three Justices shall take an Oath, before some other Justice of the said County (which Oath the said Justice is hereby impowered to administer) carefully to view and examine the said Tobacco, and to the Best of their Judgment pass or reject the same; and that they will therein do their Duty, according to their Judgment and Conscience, without Favor or Affection; Which said three Justices so sworn, are hereby directed and required to repair to the Warehouse where such Tobacco shall be offered, and carefully to view the same, in such Manner as they shall think fit; and if any Two of them shall judge the same unsound and Unmerchantable, to cause the same to be immediately burnt, without being Picked and separated; and for their trouble therein, the said Justices shall receive, and be paid by the Inspectors who offered the same in Payment, Five Shillings Proclamation Money each; but if by the said Justices the said Tobacco so tendered in Payment shall be adjudged Good and Merchantable, according to the Directions of this Act the said Justices shall be paid by the Party desiring such View, Five Shillings as aforesaid; And when any Tobacco shall be tendered or Offered in Payment by any Inspector, and refused, the said Inspector shall not be at liberty to, tender or offer in Payment, nor the Person demanding the same to receive any Tobacco in lieu thereof, before or after the same shall have been viewed as aforesaid; but the Person refusing shall immediately Mark the same; And if any Inspector shall offer or tender in Payment, any Tobacco in Lieu of the Tobacco so refused, before the same shall have been Viewed as aforesaid, or shall not produce the same Tobacco so refused to the said Justices, in either Case, it shall be taken for a Conviction, that the said Tobacco first tendered was bad and Unmerchantable; and moreover the said Inspectors shall forfeit and Pay Ten Pounds for every such Offence; And every Person accepting any Hogshead of Tobacco in lieu of Tobacco so refused, before the same shall be viewed as aforesaid, shall forfeit and pay Ten Pounds for every such Offence.

XXXV. And be it further Enacted, That when any New Inspector shall be appointed at any of the said Warehouses, such New Inspector or Inspectors shall, and they are hereby required, to give to the Person or Persons whom they shall succeed, a Receipt, with His or their Hands subscribed, containing the Number, Marks, Tare, Gross, and Nett Weight, of every Hogshead of Tobacco which shall be then at the said Warehouse; and shall be thenceforth charged with the Delivery and Payment thereof; but shall not be accountable for the Loss of weight or Quality of Tobacco therein contained; And all Inspectors delivering out any Tobacco in Discharge of such Notes, shall be, from thence forth, discharged and acquitted thereof, or any Thing relating thereto; any thing herein contained to the Contrary notwithstanding.

And when any Light Crop of Tobacco shall be hereafter brought to any of the said Warehouses, the said Inspectors, if required, shall permit the Owner, or other Person, to make Use of one or More of their Prizes, for the Repacking and Prizing the same, without Fee or Reward: And for all Tobacco repacked or prized by the Owner, there shall be paid to the Inspectors thereof, Three Shillings for stamping; And for all Tobacco repacked and reprized by the Inspectors, Five Shillings for each Hogshead; and also Six Pence for Nails; unless the Proprietor shall provide them. And no Inspector shall take or Convert to his Own Use, or otherwise dispose of any Draughts or Samples of Tobacco; but the same (if fit to pass) shall be put again into the Hogshead out of which it was taken; under the Penalty of Twenty Shillings for every Draught so converted; to be recovered before any Justice of the Peace for the County wherein such Offence was committed; And all Inspectors, when required, shall be obliged to prize any

Hogshead of Tobacco under One Thousand Weight, so as to make it up that weight; and shall receive the same Fee therefor, as for Transfer Tobacco, and make lawful Abatement for the Tobacco prized in; and the said Inspectors, for all Tobacco by them Passed, shall give a Note as aforesaid, in the Name of the Owner, and of no other Person whatsoever.

XXXVI. And be it further Enacted, That the Owner of any Transfer Notes may, at any Time before the First Day of October, in every Year, receive and mark Hogsheads of Tobacco, for satisfying such Notes; and the Inspectors shall take in their Former Notes; and deliver Crop Notes for the same, and shall be answerable for the safe Keeping thereof; and the Inspectors thereof shall be entitled to receive Five Shillings and Six Pence for the Inspection thereof, and finding Nails; Two Shillings and Six Pence Down, and Three Shillings when the said Tobacco shall be delivered; And the Inspectors shall, at the Court to be held for their County next after the First Day of October; Yearly, lay before the Court an Account, on Oath, of all Transfer Notes that were not by them Taken in before the said First Day of October; and after such Accounts so exhibited, shall sell the Tobacco in such Notes contained, deducting for Shrinkage and Wastage, at Public Auction, before the Door of the Court House, between the Hours of Twelve and Three; and the Inspectors shall pay the Money arising by such Sale, in Satisfaction of their said Notes, from Time to Time, to the Proprietors demanding the same, And all Inspectors in the said Accounts, shall account for all Tobacco gained or saved, upon the Allowance of Shrinkage or Transfer Tobacco, in the same Manner as before directed; and shall account with the Court for the Money received for such Tobacco so gained, in their Yearly Account.

XXXVII. And be it further Enacted, That all Inspectors shall, Annually, at the next Court held for their County after the first Day of October, account with the said Court, upon Oath, for all Monies by them received by Virtue of this Act (except for Nails) in which Account, they shall be allowed their Salaries, and other necessary Disbursements, in Pursuance of this Act.

XXXVIII. And be it further Enacted by the Authority aforesaid, That any Two Justices of the Peace, shall have full Power to hear all Complaints against any Inspectors within their County, and to take Depositions of Witnesses on both Sides; which they shall transmit to their County Court for their Determination; and also to visit all Warehouses within their Counties and certify all Neglects and Breaches of Duty in Inspectors, unto their said Court; And all Inspectors so found Guilty of a Breach of Duty or Neglect, he or they shall be forever removed from the said Office; and moreover shall pay unto the Informer or Prosecutor, his full Costs; and be further liable to the Action of the Party endamaged by such neglect.

XXXIX. And be it further Enacted, That all Penalties and Forfeitures in this Act Contained, and not hereinbefore particularly appropriated, shall be, one Half to our Lord the King; to be applied towards defraying the Charges of the Execution of this Act, and the other Half to the Person who shall inform or sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record having Cognizance thereof; except where the said Forfeiture shall not exceed Forty Shillings; and in such Case, the same may be recovered by Warrant before any Justice of the Peace.

XL. And be it further Enacted, That when any Action shall be Commenced or Prosecuted against any seafaring Person, founded on this Act, such Person shall be compelled to give Bail to the Sheriff, or other Officer, as if such Action had been founded on a Contract; and shall not be admitted

to appear and Plead until Bail be so given; any Law, Usage, or Custom to the Contrary notwithstanding.

XLI. And be it further Enacted, That the Inspectors of the several Ware Houses, so often as need shall require, shall appoint one or more Picker or Pickers; who, before entering on the Execution of their said Office, shall take the following Oath; which any Justice of the Peace may administer to-wit: You shall swear that you will well and faithfully pick and separate all such Tobacco as shall be tendered you for that Purpose, at the Warehouse where you are appointed Picker; that you will not demand or receive any other or greater Allowance for your services as Picker, than those directed by Law; and that you will honestly demean yourself in your said Office, and execute the same without Favor, Affection, or Partiality, So Help You God.

And such Picker so appointed and sworn, shall and may take and receive One Shilling and Eight Pence for every Carted Hogshead; and Three Shillings for every rolled Hogshead which he shall open and bring to view; and one Eighth part of all Tobacco he shall save for the Owner in picking; and no more or other Allowance whatever.

XLII. And be it further Enacted That all and every Act and Acts heretofore made, concerning the Inspection of Tobacco within this Province, shall be, and they are hence forth repealed and made void; and that this Act, and every Part thereof, shall be and continue in Force, for and during the Term of Seven Years, and no longer.

CHAPTER X.

An Act for establishing Public Warehouses in the Towns of Halifax and Campbleton, for the Inspection of Hemp and Flax.

I. Whereas it has been represented to this Assembly, that there are no Public Warehouses in the Towns of Halifax and Campbleton, for the safe Keeping of Hemp and Flax inspected at those Places; and that it would be greatly beneficial to the Merchants and Planters in those Parts of the Province, that Warehouses should be erected for that Purpose:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That it shall and may be lawful for the Justices of the Inferior Courts for the Counties of Halifax and Cumberland, and they are hereby required, at their first Sitting after the passing of this Act, to agree with any Person or Persons, for erecting and building in the Town of Halifax, on the Lots where the Tobacco Warehouses now stand; and in the Town of Campbleton, such a Warehouse in each, and other conveniences as shall be necessary; and to take Bond, with good Security, from each Undertaker of such Buildings, for performing such agreement; and shall provide and keep at each of the said Warehouses, a good and sufficient Pair of Scales and Weights to weigh Six Hundred Weight at least, and also a Sufficient Number of Prizes and Screws; and the said Justices shall, and they are hereby authorized to levy the Expence thereof upon the Inhabitants of their respective Counties; and shall take and receive the Rent of the Hemp and Flax which shall be received and inspected at the said Warehouses in pursuance of this Act, for reimbursing the said Counties the Charge of building the said Warehouses and other conveniences.

III. And be it further Enacted, That the said Justices shall, once in every Year, at their Court next after the First Day of October, nominate and appoint one fit and able Person, skilful in Hemp and Flax, for the Office of

Inspector at each of the said Warehouses; and in case of his Death or Sickness, or being otherwise disabled from attending his Duty in that Office any Three Justices of the County where such Disability happens, shall and may nominate and appoint another to supply the Place of such Inspector, if dead, until the next Nomination of Inspectors; and if sick or otherwise disabled, to attend until such Sickness, or other Disability, is removed; every of which said Inspectors, appointed by Virtue of this Act, shall before they enter upon the Execution of their said Office, enter into Bond with good Security, in the Penalty of Five Hundred Pounds Proclamation Money; payable to his Majesty, his Heirs and Successors; with Condition for the True and Faithful Performance of their Duty, according to the Directions of this Act; and shall take the following Oath: (a) Which Oath shall and may be taken before the Inferior Court of the County, or Justices appointing such Inspector; And if any Person shall presume to execute the said office of Inspector before he shall have given such Bond, and taken such Oath as aforesaid, he shall forfeit and pay One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in the Superior Court for that District; one Half of such Forfeiture to be paid to any Person that will sue for the same, and the other Half to be applied towards lessening the County Tax of the County where the Offence shall be committed.

IV. And be it further Enacted, That every Inspector, appointed by Virtue of this Act, shall constantly attend his Duty at his said Warehouse, from the First Day of November to the First Day of January; and from the First Day of March to the First Day of May, yearly; and afterwards attend to deliver out Hemp or Flax for Exportation, until all the Hemp or Flax remaining there on the first Day of May shall be delivered; and for every neglect, shall be liable to the Action on the Case of the Party grieved, for the Damages he may sustain by reason of such Neglect, and Costs of Suit: And for all Hemp or Flax by him inspected and passed at such Warehouse, he shall deliver to the Party bringing the same, a Promissory Note or Notes, under his Hand, for the full Quantity of Hemp or Flax by him received; in which shall be expressed the Weight of the Hemp or Flax; in Hundreds, Quarters and Pounds, reckoning one Hundred and Twelve Pounds to the Hundred; and in what County and Province the same was cultivated, and whether the same be Dew or Water rotted; which Notes shall bear Date the same Day it is Inspected and Passed, and be transferable from one Person to another, in the same Manner as Notes for tobacco are, by the Custom of this Province, and shall be payable by such Inspector, in Bales and Bundles, when demanded, not exceeding Six Hundred in a Bale; so that such Demand be not made in not less than Eight Days after the Date thereof; Which Bales shall be well prized and bound sufficiently, with not less than Nine Thread Rope; and for every such Bale or Bundle by him paid away in Discharge of any such Notes by him given, there shall be paid by the Person receiving the same, for every Hundred Weight contained therein, the Sum of Four Pence for Warehouse Rent, One Shilling for Inspection, and Ten Pence for Prizing and Rope; which said Sum of Four Pence, for Warehouse Rent, shall be paid annually, by the Inspector to the Justices of his County: And if any Inspector, by whom such Promissory shall be signed, shall refuse or delay to pay or satisfy the same, when demanded as aforesaid, such Inspector so delaying or refusing shall forfeit and pay, to the Party injured, double the Value of the said Hemp or Flax; to be recovered, with Costs, in any Court wherein the same is Cognizable.

V. And be it further Enacted, by the Authority aforesaid, That every Person who shall counterfeit or forge the Promissory Note of such In-

spector, or offer for Sale any such Counterfeit or forged Note; or demand any Hemp or Flax of such Inspector upon any such Counterfeited or forged Notes, knowing them to be such, and being thereof convicted by due Course of Law shall be adjudged a Felon, and shall suffer as in Cases of Felony.

VI. And be it further Enacted, by the Authority aforesaid, That if any Inspectors Notes or Receipts be casually lost, mislaid or destroyed, the Person or Persons entitled to receive the Hemp or Flax by Virtue of any such Note or Receipt, shall make Oath before a Justice of the Peace of the County where the same is payable, to the Number or Date of every such Note or Receipt, to whom and where Payable, and for what Quantity of Hemp or Flax the same was given, and that such Note or Receipt was lost, Mislaid, or destroyed, and that he, she, or they, at the Time such Note was lost, mislaid, or destroyed, was lawfully entitled to receive the Hemp or Flax therein mentioned, and shall take a Certificate thereof from such Justice; and upon producing a Certificate of such Oath to the Inspector who signed such Note, and lodging the same with him, the Inspector shall, and is hereby required to pay and deliver to the Person obtaining such Certificate the Hemp or Flax for which such Notes or Receipts were given, if the same, or any Part shall not have been before by him paid by Virtue of the said Notes or Receipts, and shall be thereby discharged from all Actions, Suits and Demands, on Account of such Notes or Receipts; And if any Person shall be convicted of making a false Oath, or Producing Certificates in the Case aforesaid, knowing the same to be forged, he shall forfeit and pay Three Pounds for every Hundred and Twelve Pounds Weight of Hemp or Flax contained in such Certificate; recoverable before any Jurisdiction where the same is Cognizable; and moreover, upon Conviction, shall suffer as in Cases of Wilful and Corrupt Perjury.

VII. And be it further Enacted, That if either of the said Warehouses shall happen to be burnt by Accident, the loss sustained thereby shall be made good to the sufferers by the Counties in which the Hemp or Flax was cultivated, if in this Province; any Law or Usage, to the contrary, notwithstanding.

VIII. And whereas the Inspectors to be appointed by this Law are obliged to certify in the Notes by them to be given whether the Hemp by them received be Dew or Water rotted, and also in what County and Province the same was cultivated; Be it Enacted, That the said Inspectors shall have full Power and Authority before they deliver any such Note, to swear the Person or Persons bringing them any Hemp or Flax to be inspected, whether the same was Dew or water Rotted, and in what County or Province the same was cultivated; and upon Delivery for Exportation any Water rotted Hemp or Flax that may have been cultivated in this Province the said Inspectors shall deliver to the Persons receiving the same, a List or Manifest of such Hemp or Flax, under their Hands, mentioning where the same was cultivated, with the Number of Bales, and Weight of Each, and to whom delivered; which said Manifest having a Certificate on the Back thereof signed by the Collector and Naval Officer, certifying that Oath was made before them of such Hemp being exported from this Province, in what Vessel, at what Time, and by whom shipped, shall intitle the Person or Persons producing the same to the Bounty of Sixteen Shillings and Eight Pence, for every Hundred Weight of Hemp and Thirteen Shillings and Four Pence, for every Hundred Weight of Flax mentioned in such Manifest, to be paid by the Treasurers of this Province out of the Money in their Hands for Contingencies; and shall be allowed them in their Accounts,

agreeable to an Act of Assembly, passed in the Year One Thousand Seven Hundred and Sixty Four, entitled, An Act for encouraging the Culture of Hemp and Flax, and other Purposes.

IX. And be it further Enacted, That this Act shall continue and be in Force for and during the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XI.

An Act for building a Public Gaol, and Gaoler's House, for the District of New Bern, in the Town of New Bern. (a).

I. Whereas the Public Gaol for the District of New Bern was lately consumed by Fire, and it being necessary that a New Gaol should be erected in the said District;

II. Be it therefore Enacted by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the same, That Jacob Blount, Thomas Clifford Howe, Richard Cogdell, Samuel Cornell, and John Hawkes, Esquires, be, and are hereby appointed Trustees, for designing, Contracting, Building, and finishing a good and sufficient Gaol, and Gaoler's House, of such Dimensions and Materials, on the Lot of Ground in Town of New Bern where the Public Gaol lately stood, as to them, or the Majority of them, or their Survivors, shall seem most Proper and Convenient; which Gaol and Gaoler's House, when so erected, shall be, continue, and remain, the Public Gaol, and Gaoler's House, of the several Counties within the District of New Bern aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That there shall be levied on each and every Taxable person within the several Counties in the said District, Annually, for the Term of Three Years next after the passing of this Act, the respective Sums of Money following, to-wit, On each Taxable Person in the County of Craven, the Sum of Two Shillings, Proclamation Money; and on each Taxable Person within the Counties of Dobbs, Carteret, Pitt, Beaufort, and Hyde, the Sum of One Shilling and Four Pence, like Money; Which said Taxes shall, by the Sheriff of the respective Counties aforesaid for the Time Being, be collected in the same Manner, and under the same Penalties, for non-Payment thereof, as is directed by Law for the Collecting other Public Taxes; and the Monies arising therefrom, shall be accounted for and paid by the said several Sheriffs to the Trustees, or the Majority of Them, or their Survivors, as aforesaid, and by them be applied towards discharging the Contracts they shall enter into for the Buildings aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That if any Sheriff who shall be chargeable with any of the Taxes by this Act Assessed shall neglect to, account for, and pay to the Trustees aforesaid, or the Majority of them, or their Survivors, such Sums as he shall be chargeable with in Virtue of this Act, after deducting the usual Commissions for Collecting, and such Insolvents as shall be allowed for by the Court of his County; the said Trustees, or the Majority of them, or their Survivors, shall have the same Method of Proceeding against such Sheriff, by Motion, as is by Law directed against Sheriffs for not accounting for other Public Monies by them received.

V. And be it further Enacted, by the Authority aforesaid, That the Trustees or the Majority of Them, or their Survivors, shall immediately proceed

to the Discharge of the Trust by this Act reposed in them; and shall cause the said Buildings to be finished within Two Years from the Passing of this Act; and shall immediately thereafter, lay an account of their Proceedings herein, upon Oath, of all Monies they shall receive and pay on Account of the said Buildings, before the Court of each of the Counties herein Named for their Approbation; and the Surplusage of the said Tax if any, shall be paid by them to the Justices of the said several Counties, in Proportion to the Number of Taxes collected in the said Counties respectively; to be applied towards the contingent Charges of the said Counties.

VI. And be it further Enacted, by the Authority aforesaid, That after such Gaol shall be erected, when any Person or Persons shall be apprehended for any Offence committed within the District aforesaid, it shall and may be lawful for the Magistrate or Magistrates before whom such Offender shall be examined, if he or they think it necessary, to commit such Offender to the aforesaid Gaol; and the Sheriff of the County for the Time being, where such Offender shall be apprehended, is hereby authorized and required to convey such Offender to the said Gaol, and deliver him or her to the Sheriff or Keeper thereof, and take a Receipt of such Sheriff or Keeper; which shall be his Discharge for such Prisoner.

VII. And be it further Enacted, by the Authority aforesaid, That after the said Gaol, and Gaoler's House, shall be built as aforesaid, the Sheriff of the County of Craven, for the Time Being, is hereby directed and required to employ some Person of Integrity to be Keeper of the said Gaol; who, during the Time any Person committed for a Capital Offence shall be in the said Gaol, shall constantly reside in the said Gaoler's House, and take all lawful Ways and Means for preventing the Escape of such Offender.

CHAPTER XII.

An Act to amend an Act, intituled, An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort.

I. Whereas it is found, by experience, that the before Recited Act is insufficient to answer the Salutary Purposes intended.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the following Taxes shall be paid by the Master or Owner of each and every Vessel that shall come in at the Inlets of Ocacock and Roanoke, and enter in the Port of Currituck, to the Collector of the said Port, that is to say: For every Vessel of Fifty Tons, or under, Ten Shillings; for every Vessel above Fifty Tons, and under One Hundred Tons, Twenty Shillings; and for every Vessel above One Hundred Tons, Thirty Shillings; to be applied towards defraying the Expence of erecting Stakes and Beacons in the District of Port Roanoke.

III. And be it further Enacted, by the Authority aforesaid, That the Collector of Port Currituck, for the Time being shall give Security, in the Sum of Three Hundred Pounds, to the Commissioners appointed by the before recited Act for Port Roanoke, for the Due Performance of the Trust reposed in him, and for his accounting with, and paying to the said Commissioners, as often as required, all such Sum or Sums of Money as shall be, from Time to Time, by him received; and if the said Collector shall refuse to give such Security, it is hereby Enacted, that the said Commissioners of Port Roanoke shall and may appoint another Receiver in his Place and Stead, who shall have full Power and Authority to receive the said Tax, giving Security to the said Commissioners.

IV. And be it further Enacted by the Authority aforesaid, That the said Receiver of Port Currituck shall have full Power and Authority to go on Board any Vessel in his Port, in Order to Measure and ascertain the Burthen of such Vessel; and shall likewise have Power and Authority to examine on Oath, the Master of any Vessel for that Purpose.

V. And whereas the Taxes on Vessels in the before recited Act, for defraying the Expence of erecting Stakes and Beacons, are found, by Experience, to be insufficient; Be it therefore Enacted, by the Authority aforesaid, That the following Taxes shall be paid by the Master or Owner of each Vessel that shall enter into either of the Ports of Bath, Roanoke, and Beaufort, to the Collectors of the respective Ports, in lieu of those heretofore paid, that is to say; For every Vessel of Fifty Tons, or Under, Ten Shillings; for every Vessel above Fifty Tons, and under One Hundred Tons, Twenty Shillings; and for every Vessel above One Hundred Tons, Thirty Shillings.

VI. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, no collector of either of the aforesaid Ports shall clear out any Vessel till the Master shall have produced to him a Certificate from the Receiver of the said Tax of his having paid the same, under the Penalty of Twenty Pounds; to be recovered and applied in the same Manner as is directed in the before recited Act.

VII. And whereas the Commissioners appointed by the before recited Act to lay off Twenty Acres of Land on the Island of Ocacock, for the use of the Pilots, have neglected to do the same in the Time limited in the said Act; Be it therefore Enacted, by the Authority aforesaid, That any Three or more of the Commissioners shall attend at Acacock Island, and value the same, on Oath, and pay the Valuation Money to the present Owner of Ocacock Island, and take a Deed of Conveyance for the said Twenty Acres of Land, to be vested in the Commissioners for the Navigation; and for the Benefit of the Public, to allot and lay off a Part to every Branch Pilot who may hereafter attend to Pilot and conduct Vessels into Ocacock Inlet, by a Lease for such Lot as is assigned him during the Time of his Residence, and no longer; and the Commissioners or a Majority of them, may remove any Pilot, disqualified, from any Lot or House they erect on the Ground leased to such Pilot, and lease the same to other Pilots; And for defraying the Expence of Purchasing the said Lands and Commissioners Expence, the several Ports of Roanoke, Bath, and Beaufort, shall pay their respective Quotas as in other Matters is directed; and the said Twenty Acres of Land, so laid out by the Commissioners, is hereby declared to be vested in the Commissioners for the Time Being, in Fee-Simple, to and for the Uses, Intents and Purposes, before mentioned.

CHAPTER XIII.

An Act concerning Idle and Dissolute Persons.

I. Whereas in several Parts of this Province there are Idle and Dissolute Persons, that frequently commit atrocious Crimes, such as stealing Horses, robbing Houses, and the like, to the great Injury of Honest and Industrious Inhabitants; and as such Persons are frequently Harboured, maintained and encouraged, by some House Keepers in this Province; For Remedy whereof,

II. Be it Enacted by the Governor, Council and Assembly, and by the

Authority of the same, That from and after the passing of this Act, no Person or Persons, whatsoever shall Harbour or maintain in or about his or their house or Plantation, or knowingly suffer to reside on their Land, any loose or disorderly Person, who has not any Visible Way of Maintenance, or is of a Dishonest Character, under the Penalty of Twenty Pounds, Proclamation Money, for every such Offence; to be recovered by Action of Debt, in the Inferior Court of the County where the Offence is committed; one Half of which sum shall be paid to the Person informing against such Offender, and the other Half to be applied to the Contingent Charges of the County; and such Offender shall be further liable to be bound over to appear at the next Superior Court of the District where such Offence is committed, there to abide the Determination of the said Court.

III. And be it further Enacted, by the Authority aforesaid, That on an Information being made to any Magistrate in this Province, of any Person, or Persons, knowingly, entertaining, in or about his house or Plantation, or suffering to reside on their Land, such Loose or disorderly Person, that it shall and may be lawful for such Magistrate to issue his Warrant against such Offender, directed to any Lawful Officer within the County, commanding him to take the Body of such Offender or Offenders, and to bring him or them before him, or some other Magistrate of the County; and further, command the said Officer to summon such Witness or Witnesses as may be thought necessary for the conviction of such Offender; And on hearing and examining such Person or Persons, and the Witnesses so summoned, he shall, if it be requisite, bind such Person or Persons, to appear at the next Superior Court of the District, there to abide the Judgment of the said Court and he is likewise impowered and required to bind any Witness or Witnesses he may think necessary to such Person or Persons Conviction, to appear and give Testimony against him or them at the said Court; which Court, in Case of the Conviction of such Offender, shall proceed against him or them according to Law.

CHAPTER XIV.

An Act for destroying Crows and Squirrels in the several Counties therein Mentioned.

(Printed in Private Acts, *post.*)

CHAPTER XV.

..
An Act to impower the Justices of Currituck County to build a Prison, Pillory, and Stocks, in the said County, on the Lot whereon the Court House now stands, for the Use of the said County.

I. Whereas the Prison in the County of Currituck is in great Decay, and in so ruinous a Condition, that the Prisoners cannot be held or detained therein; Therefore,

II. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That Joshua Campbell, John Woodhouse, and William Mackey, are hereby appointed Commissioners; and they or the Majority of them, shall and may, and they are hereby required, within Six Months after the Passing of this Act, to agree and contract with Workmen for the Building and erecting a New Prison, Pillory, and Stocks, in and for the Use of the County aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, are hereby impowered to sell the old Prison; and the money therefrom arising, to be expended and laid out towards the erecting the aforesaid Building, for the use of the County aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings be levied on each Taxable Person in the said County, for Three Years next ensuing; which Tax shall be collected by the Sheriff of the said County, in the same Manner and at the same Times, as Public Taxes are by Law directed to be collected, and by him accounted for and paid to the said Commissioners, or the Majority of them; and shall by them be applied to defray and pay for the building and erecting the said Prison, Pillory and Stocks.

V. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, after the building aforesaid shall be erected, built, and finished, shall render an account of the Monies by them received by Virtue of this Act, together with that of their disbursements, to the County Court of Currituck; and the overplus (if any) to be applied towards lessening the County tax.

VI. And be it further Enacted by the Authority aforesaid, That all and every Act and Acts, Clause and Clauses, Article and Articles thereof, for any Matter or Thing within the Purview of this Act shall henceforth be repealed and made void.

CHAPTER XVI.

An Act for appointing an Inspector for the great Island, opposite Wilmington in Brunswick County.

I. Whereas great quantities of Naval Stores, and other Merchandize, which require Inspection are landed on, and shipped from the great Island, opposite Wilmington, known by the name of Eagle's Island; and it is very Inconvenient for the Inspector of Brunswick County, from the great Distance of his Residence, to attend the Inspection thereof;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Inferior Court of Brunswick County are hereby authorized and required, at the next Court to be held for the said County after the passing of this Act, and in each succeeding Year, at the Time already appointed by Law, to choose a Fit and proper Person to be an Inspector for the said Island, called Eagle's Island; under the same Rules and Regulations, and subject to the same Penalties, as other Inspectors appointed in this Province are liable to; who shall have and receive, for all Commodities inspected by him, the same Fees which other Inspectors are by Law entitled to for the like Services.

III. And be it further Enacted, by the Authority aforesaid, That in Case the Inspector to be appointed by this Act should absent himself from, or not punctually attend the Duties of his Office, it shall and may be lawful for any Person or Persons, having Commodities to inspect, to apply to, the nearest Inspector appointed by law, in that or any other County; who is hereby impowered and required to inspect the same; and who shall have for his Trouble, the same Fees which the Inspector to be appointed by this Act would in that Case be entitled to receive.

CHAPTER XVII.

An Act for establishing the Vestry elected for the Parish of St. Stephen, in Johnston County.

I. Whereas the Sheriff of Johnston County neglected to summons the Persons elected Vestrymen for the Parish of St. Stephen, in the said County, on Easter Monday last, to appear and qualify themselves within the Time by law limited and although the Persons so elected did qualify themselves, and proceed to parochial Business, yet some Disputes are likely to arise in Regard to the Legality of their Proceedings:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Vestry elected on Easter Monday last, for the Parish of St. Stephen, in Johnston County, be, and is hereby established a legal Vestry; and the Qualification of the Members of the said Vestry and all their Acts, Orders and Proceedings, are hereby declared to be as good and Valid, to all Intents and Purposes, as the Acts, Orders, and Proceedings of any other Vestry.

CHAPTER XVIII.

An Act for Defraying the contingent Charges of Government. (a).

I. Whereas the several Taxes heretofore laid, for defraying the contingent Charges of Government, have ceased; and it being necessary that a Fund be established for that Purpose:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That a Poll Tax of Two Shillings be levied on each Taxable Person in this Province, from and immediately after the ratification of this Act, for and during the Term of three Years; which Tax shall, by the several Sheriff's be collected, accounted for, and paid to the Public Treasurers in the same Manner and under the same Rules, Restrictions, and Penalties, as other Taxes are by Law to be accounted for and paid.

III. And be it further Enacted, That the Monies to be raised and paid into the Treasury in Virtue of this Act, shall, by the Public Treasurers respectively, be applied towards paying the Claims, Wages, and other Allowances made by the General Assembly of this Province.

CHAPTER XIX.

An Act to continue the Acts therein mentioned, for appointing a Militia.
(Printed in Private Acts, *post*.)

CHAPTER XX.

An Act to amend An Act entitled, An Act to encourage Persons to settle in the Town of Brunswick, on the South West Side of Cape Fear River.

I. Whereas the Commissioners of the Town of Brunswick, in the County of Brunswick, are mostly dead or removed out of the said Town; and those Few who are still living, and are residents therein, have neglected to appoint others in the Room of such Commissioners so dead or removed.

II. Be it Enacted by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Passing

of this Act, such of the Inhabitants of the said Town of Brunswick as are entitled to vote for a Representative to sit and vote in the General Assembly of this Province, are hereby authorized, impowered and required, to meet, annually, at the Court House in the said Town, on the First Tuesday of May next, and on the First Tuesday of May, in each succeeding Year, to choose Three Commissioners for the said Town, to serve for one Year, and the said Commissioners, or the Majority of them, or the Survivors of them so chosen, are hereby vested with, and declared to have the same Powers and authorities that any of the Commissioners of the said Town have heretofore had, used, exercised, or enjoyed, by Virtue of an Act of Assembly, entitled, An Act to encourage Persons to settle in the Town of Brunswick, on the South West Side of Cape Fear River; and further, the Commissioners of the said Town are hereby authorized and impowered, to lay out Alleys, Streets, and Squares, in and through any Part of the said Town, which may be for the interest and Convenience of the Inhabitants thereof.

III. And be it further Enacted, by the Authority aforesaid, That every Clause and Part of the Act, entitled, An Act to encourage Persons to settle in the Town of Brunswick, on the South West Side of Cape Fear River, within the Purview of this Act, be, and is hereby henceforth repealed and made void.

CHAPTER XXI.

An Act for erecting in the Town of Salisbury, a Public Gaol, Pillory, and Stocks, for the District of Salisbury, in this Province. (a).

I. Whereas the Gaol formerly erected for the District of Salisbury, is found insufficient to secure the many Felons, and other Prisoners committed thereto; by which Means numbers of Loose and disorderly Persons are daily committing the most atrocious Crimes with Impunity; For Remedy whereof.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, John Frobock, Mathew Lock, and John Dunn, shall be, and they are hereby appointed and constituted Trustees, to design, Contract for, and cause to be built and finished a Substantial and Sufficient Gaol, of such Dimensions and Materials, and on such Part of the Lot as was granted by the Trustees of the said Town of Salisbury for that Purpose, whereon the Gaol now stands, as to them, or the Majority of them, shall seem most Proper and Convenient; which Gaol so erected, shall be and remain the Public Gaol of the County of Rowan, and District of Salisbury.

III. And be it further Enacted, by the Authority aforesaid, That a Poll-Tax of one Shilling shall be laid on each Taxable Person within the County of Rowan; and eight Pence on each Taxable Person within the Counties of Mecklenburg and Anson, annually, for the Term of Two Years, next after the passing of this Act; which said respective Tax shall, by the Sheriff of each of the said Counties for the Time Being, be collected in the same Manner, and under the same Penalties, for the Non-Payment thereof, as is directed by Law for the collecting other Public Taxes; and the Monies arising therefrom, shall be paid by the said Sheriffs, respectively, to the Trustees in this Act Named; to be by them, or the Majority of them as aforesaid, applied towards discharging the Contracts they shall enter into for the Buildings in this Act directed.

IV. And whereas by an Act of Assembly passed at Wilmington, in the

Year of our Lord One Thousand Seven Hundred and Sixty Four, entitled, An Act for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court, to repair the Public Gaol thereof, a Poll-tax was levied on the Taxables in the several Counties of Rowan, Mecklenburg, and Anson, for repairing the Gaol, erecting a Wall around the same, and Building a Gaoler's House; which Act has not been carried into Execution; Be it therefore Enacted, by the Authority aforesaid, That the Tax collected and unapplied to the purposes in that Act mentioned, shall be paid into the Hands of the said John Frobock, Mathew Lock, and John Dunn, or the Majority of them; to be by them applied towards the Building in this Act directed; And the Prison now belonging to the said District, is hereby vested in the said John Frobock, Mathew Lock, and John Dunn; to be by them, or the Majority of them sold; and the Money arising from the Sale thereof, to be by them also applied to the Purposes in this Act mentioned; and if the Money arising by Virtue of this Act, and the before Mentioned Act, shall be more than sufficient to compleat the Buildings herein directed, the Surplus thereof shall, by the Trustees, be paid to the Court of each County above mentioned, in Proportion to the Sum Collected from each County; and paid by the Sheriffs to the said Trustees; and by the Justices of the said Courts to be applied towards defraying the contingent Charges of their County.

V. And be it further Enacted, by the Authority aforesaid, That if any Sheriff chargeable with any of the Taxes by this Act assessed, shall neglect or refuse to account for and pay unto the Trustees in this Act Named, the whole Sum he shall be chargeable with in Virtue of this Act, after deducting the Usual Commissions for Collecting, and such Insolvents as shall be allowed by the Court of his County, the said John Frobock, Mathew Lock, and John Dunn, or the Majority of them, shall have the same Method of Proceeding against such Sheriff, by Motion, as is by Law given against Sheriffs for not accounting for other Public Monies by them received; and such proceedings shall be good and Valid in Law, in any Court of Record within this Province, Respect being had to the Jurisdiction of such Court.

VI. And be it further Enacted, by the Authority aforesaid, That after such Buildings shall be made as aforesaid, when any Person or Persons within the District of Salisbury, shall be apprehended for any Criminal Offence, that on Conviction Thereof would incur the Loss of Life or Member, it shall and may be lawful for any Justice of the Peace in any County within the District aforesaid, before whom an Examination of such Criminal shall be had, if said Justice shall think it necessary, to commit such Criminal to the aforesaid Gaol; and the Sheriff of the County wherein such Criminal shall be, is hereby directed and ordered to convey such Criminal to the said Gaol, and deliver him or them to the Sheriff or Keeper thereof, and take a Receipt for such Prisoner or Prisoners from the said Sheriff or Keeper; who are hereby directed and required to receive such Criminal, and give such Receipt; which shall be his Discharge for such Criminal or Criminals.

VII. And be it further Enacted by the Authority aforesaid, That all Incident Charges attending the Commitment and Keeping of such Criminal or Criminals shall, if such Criminal or Criminals have not sufficient Estate to satisfy the same, be paid by the Public.

VIII. And be it further Enacted by the Authority aforesaid, That the Trustees in this Act named, shall immediately proceed to the Discharge of the Trust by this Act reposed in them; and shall Cause the said Buildings to be finished within One Year from the passing this Act, at Farthest; and on the Expiration of that Term, they shall render upon Oath, a true State

of their Proceedings; with an Account of all Monies as they shall receive by Virtue of this Act, and the Sums paid by them on Account of the said Buildings, before the Inferior Court of Rowan County, for their Approbation.

CHAPTER XXII.

An Act to continue an Act, entitled, An Act for enlarging the Time allowed for saving Lots in the Town of Hertford, and other Purposes; and to establish a Ferry from the Town of Hertford, on the West Side of Perquimans River, to Newby's Point, on the East side of the said River.

I. Whereas by an Act of Assembly passed at New Bern, in the Third Year of the Reign of his Present Majesty, entitled, An Act for enlarging the Time allowed for saving of Lots in the Town of Hertford, and other Purposes, among other Things, it is provided, that the Grantee of every Lot in the said Town shall, within Five Years, erect and finish a House of the Dimensions specified in an Act of Assembly passed in the Thirty Second Year of the Reign of his Majesty King George the Second, entitled, An Act for establishing a Town on the Land of Jonathan Phelps, of Perquimans County; which Term of Five Years is now expired, and many of the Lots in the said Town of Hertford not saved agreeable to the before recited Act.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the Same That every Lot in the said Town of Hertford on which a House shall be erected and built of the Dimensions mentioned in the said recited Act, within the Space of Three Years after the Date of the Conveyance made for the same, shall be and are hereby declared to be vested in the Grantee thereof, in Fee Simple; anything in either of the aforesaid Acts to the Contrary notwithstanding.

III. And whereas several of the Directors of the said Town are dead or removed, whereby their offices are become vacant; Be it therefore Enacted by the Authority aforesaid, That from and after the passing of this Act, John Harvey, John Clayton, Seth Sumner, William Skinner, and Francis Nixon, be, and are hereby appointed Directors of the said Town; and may use and exercise the same Powers and Authorities, as the Directors appointed by the before recited Act could or might have exercised, used or enjoyed, by Virtue of the same; And in case of the Death or Refusal to Act, or removal out of the County of ——— of any of the said Directors, the surviving or other Directors or the Majority of them, shall, and they are hereby impowered and required, to choose another Director or Directors, in the Room of him or them so dying, refusing to act, or removing out of the County, agreeable to the Directions of the said Act.

IV. And whereas the Court House in Perquimans County, is situated in the Town of Hertford, on the West Side of Perquimans River; and the Inhabitants on the East Side of the said River, are obliged to attend at the said Court House during the sitting of the Inferior Court, at the Election of Members of the Assembly, and Vestrymen, General Musters and Court Martials, of the said County; and the Act of Assembly heretofore made for defraying the Expence of such Ferriage, will expire at the end of this present Session of Assembly: Be it therefore Enacted, by the Authority aforesaid, That the Inferior Court of the said County of Perquimans, are hereby authorized, impowered, and required, at the next Court to be held after the First day of May, yearly to lay a Tax, not exceeding Three Pence Proclamation Money, on each Taxable Person in the said County; to be collected and accounted for with the Inferior Court of the said County, by the Sheriff of

the said County, in the same Manner, and under the like Regulations and restrictions as other Taxes of the said County are to be collected and accounted for; and to be by the said Court applied and appropriated as a Premium or Reward to the several Ferrymen now appointed or hereafter to be appointed by the Court of the said County, to keep a Ferry from Hertford to Newby's Point, and from Newby's Point to Hertford; for which they shall, and are hereby obliged, to set over, Ferriage Free, all Persons resident in the said County, going to, and returning from, the Court or Vestry of the said County, Elections of Burgesses and Vestrymen, Musters and Court Martials, of the said County.

V. And be it further Enacted by the Authority aforesaid, That the Inferior Court of the said County are hereby authorized, impowered and required, out of the Monies arising by the Tax so laid and Collected as aforesaid, yearly and every Year, to allow and pay to the several Ferrymen attending at the Ferry aforesaid, such Sums of Money as they shall think reasonable, for their Trouble in transporting all Persons who shall or may have Occasion, to attend the said Court House, on the Days and Times aforesaid.

VI. And be it further Enacted by the Authority aforesaid, That the Ferrymen that now are appointed, or shall hereafter be appointed, by the Court of the said County to keep a Ferry at Hertford and Newby's Point, are hereby required to Ferry over the said River, free of any Expence, all Persons resident in the said County, during the sitting of the Inferior Court, and Vestry of the said County. And also all Persons whatever on the Days of Election of Members of Assembly, or Vestrymen; and also all Persons going to, and returning from, the Musters, or Court Martials of the said County; under the Penalty of forfeiting and paying the sum of Ten Shillings, Proclamation Money, for each Neglect or Refusal; to be recovered by a Warrant on Proof made before any Magistrate of the said County.

VII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said Court to take Bond and Security of the said Ferry Keepers in the Sum of Twenty Pounds Proclamation Money, for their due and faithful Performance of the above said Act; and that all fines becoming due by Virtue of this Act, shall be paid to the Justices of the said Court; to be by them applied towards defraying the Charges of the County.

VIII. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force for and during the Term of Seven Years, from and after the passing thereof, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER XXIII.

An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington.

(Printed in Private Acts, *post.*)

CHAPTER XXIV.

An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Rowan, Anson, and Bladen, to Wilmington and Brunswick.

I. Whereas a public Road from the Frontiers of this Province through the Counties of Mecklenburg, Rowan, Anson, and Bladen, to Wilmington

and Brunswick, would be of great utility and Advantage to the Inhabitants of the Western Part of this Province, and others, and would tend much to the Advancement of Trade and Commerce:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That Martin Phifer, John Polk, John Frobock, Griffith Rutherford, Charles Medlock, John Collson, Hugh Waddell, Archibald McKissick, and Robert Johnston, be, and are hereby appointed Commissioners for laying out the said Road; and they, or the Majority of them, are hereby authorized and directed, within six months next after the passing of this Act, to lay, mark, or stake out, or cause to be laid, marked or staked out, a public road from the Frontiers of the said Province through the said Counties of Mecklenburg, Rowan, Anson, and Bladen, the nearest and best way to Wilmington and Brunswick; and the said Commissioners, or a Majority of them after having marked, staked, and laid out, the said Road, shall, and are hereby impowered and directed, to make an Accurate Plan thereof; and the same to return, with an Account of their Proceedings to the next Inferior Court of Pleas and Quarter Sessions to be thereafter respectively held for the Counties aforesaid; and the Justices of the said respective Courts are hereby directed to receive the same, and are thereupon ordered and authorized to appoint so many overseers of the said Road within their respective Counties, as to the said Justices shall from Time to Time, appear convenient and Necessary; and the said Overseers, and the Inhabitants of the said Counties, respectively being contiguous to the said Road, shall be subject to open, clear, and work on the same, so to be marked, staked, and laid out as aforesaid; under the same Regulations, and shall be liable to the same Fines and Penalties, prescribed and inflicted on Delinquents, by an Act of Assembly, entitled, An Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and establish and settle Ferries; and to appoint where Bridges shall be built, for the use and Ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks.

CHAPTER XXV.

An Act for annexing Part of Northampton County to the County of Bute.

I. Whereas the Inhabitants of the Upper or Westernmost Corner of Northampton County labour under great Inconveniences, in attending the Courts; and other public Meetings, of the said County, at the Court House thereof; and being more Convenient for those Purposes to the County of Bute, are desirous of being annexed thereto:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Thomas Eaton, Willie Jones, and Benjamin Person, Esquires, be, and are hereby appointed Commissioners; and they or the Majority of them, are required and directed, within Three Months after the passing of this Act, to run and Mark (or cause the same to be done) a Line from Roanoke River Bank, opposite the mouth of Stone House Creek, a due North Course to the dividing Line between this Province and the Colony of Virginia; and all that part bounded to the Eastward, by the Line above directed to be marked, and to the Northward by the Virginia Line, to where it crosses Roanoke River, shall be, and is hereby annexed to, and made part of the County of Bute; and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other of the Inhabitants of the said County of Bute.

II. Provided always, That nothing herein contained shall be construed to hinder the Sheriff of the County of Northampton from collecting or distraining for any Taxes, or arrears of Taxes now due, and which he, as Sheriff of Northampton, is or may be accountable for, from any Inhabitants within the Bounds above described.

CHAPTER XXVI.

An Act for establishing a town on the Land of William Gray, on Cushie River, in Bertie County

I. Whereas it hath been represented to this Assembly that the Land of William Gray, lying on the South Side of Cushie River, at a Place known by the Name of Gray's Landing, in Bertie County, is a Pleasant and Healthy Situation, and commodious for Trade and Commerce; and the said William Gray having acknowledged his free consent to have One Hundred Acres of the said land laid off for a Town, which will greatly promote the Trade and Navigation of the said River:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the said One Hundred Acres of land, beginning at a Stake by a small Branch on the River Side, and running thence North Forty Two Degrees West One Hundred and Sixty-Eight Poles; thence North Twenty One Degrees East Forty Poles; then North Sixty Five Degrees East One Hundred and Twenty Two Poles, to the centre of a Hickory, White Oak and Maple, on the said River Side; and then down the Meanders of the said River to the Beginning; laid off in Lots and Streets, with Part thereof for a Common, according to a Plan laid before this Assembly, be, and the same is hereby Constituted, erected, and established a Town, and shall be called by the Name of Windsor.

III. And be it further Enacted by the Authority aforesaid, That from and after the Passing of this Act, Cullen Pollock and John Dawson, Esquires, Thomas Ballard, William Williams, and David Stanley, Gentlemen, be, and they and every of them, are hereby constituted Directors and Trustees, for Designing, building and carrying on the said Town; and they shall stand seized of an indefeasible Estate, in Fee Simple, of and in the One Hundred Acres of Land laid off as aforesaid, to and for the Uses, Intents, and Purposes, hereby expressed and declared; except Four Lots Known and described in the aforesaid Plan by their respective Numbers Eleven, Twelve, Eighty Four, and Eighty Six, which are hereby reserved, to the only Use and Behoof, of the said William Gray, his Heirs and Assigns forever: And the said Directors, or any Three of them, shall have full Power and Authority to meet as often as they shall think necessary; and to appoint a public Quay, at such place on the said River, within the Bounds of the said Town, for a Public Landing, as to them shall seem meet.

IV. And whereas Subscriptions have already been made for the greatest Part of the Lots laid off in the said Town; Be it Enacted by the Authority aforesaid, That the said Directors or a Majority of them, within Six Months after the passing of this Act, shall appoint a Time, and give Public Notice thereof, for meeting the Subscribers on the said Land, for determining the Property of each Particular Lot, which shall be drawn by Ballot in a Fair Manner by the Direction, and in the Presence of a Majority of the said Directors at least; and each Subscribers shall be entitled to the Lot or Lots which shall happen to be drawn for him, and correspond with the Number contained in the aforesaid Plan, of the said Town; And the said Directors

or a Majority of them, shall make and execute Deeds for granting and conveying the said Lots contained in the said Town, to the respective Subscribers for the same, their Heirs and Assigns forever; and also to every other Person and Persons who shall purchase any other Lot or Lots in the said Town, at the Proper Costs and Charges of the Grantee or Grantees to whom the same shall be conveyed; and every Person claiming any Lot or Lots in the said Town by Virtue of any such Conveyance, shall and may hold and enjoy the same in Fee-Simple.

V. Provided nevertheless, That the Grantee or Grantees of any Lot or Lots in the said Town so conveyed, shall, within Three years next after the Date of the Conveyance for the same, erect, build, and Finish, on each Lot so conveyed, one well framed or Brick House, Sixteen Feet Square at the least, and Ten Feet Pitch in the Clear, or Proportionable to such Dimensions, if such Grantee or Grantees shall have Two or more Lots contiguous: And if the Owner of any Lot in the said Town shall fail to pursue or comply with the Directions by this Act prescribed, for building and finishing a House thereon, then such Lot upon which such House shall not be built and finished in Manner aforesaid, shall be revested in the said Directors; and the said Directors, or the Majority of them, may, and are hereby impowered and Authorized, to sell such Lot for the best Price that may be had, to any other Person or Persons applying for the same, in such Manner, and under such Restrictions, as they could or might have done if such Lot had not been before sold or granted.

VI. And be it further Enacted by the Authority aforesaid, That the respective Subscribers for the said Lots shall, within One Month after it shall be ascertained to whom each of the said Lots doth belong, in Manner hereinbefore mentioned, pay and satisfy to the said Directors the Sum of Forty Five Shillings, Proclamation Money, for each Lot by them subscribed for; and in Case of the Refusal or Neglect of any Subscriber to pay the said Sum, then said Directors shall and may commence a Suit for the same, in their own Names, and therein shall recover Judgment, with Costs.

VII. And be it further Enacted, That all Monies which shall arise by a Disposal of the said Lots, granted by the said Directors, and their Successors in Execution of this Act shall be received by the said Directors; and after their Reasonable Charges and expences are deducted, shall be by them paid, to the said William Gray, his Executors, Administrators, or Assigns.

VIII. And for continueing the Succession of the said Directors, until the said Town shall be Incorporated, Be it further Enacted, by the Authority aforesaid, That in Case of Death, Refusal to act, or Removal out of the Country of any of the said Directors, the surviving or other Directors, or the Majority of them shall assemble, and are hereby impowered from Time to Time, by Instrument in Writing, under their respective Hands and Seals, to nominate some other Person, being an Inhabitant or Freeholder of the said Town, in the Place of him so dying, refusing to Act, or removing out of the Country; which new Directors so nominated and appointed, shall, from henceforth, have the same Power and Authority, in all Things concerning the Matters herein contained, as if he had been expressly named and appointed in and by this Act.

CHAPTER XXVII.

An Act for vacating the Title of certain Persons to Three Hundred Acres of Land, situate on the lower Part of Cape Fear, and adjoining Fort Johnston; and for revesting the same in the Crown, for his Majesty's Service, and the Benefit of the said Fort and Garrison.

I. Whereas by an Act of the General Assembly, passed at New Bern, on the Twentieth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty Five, entitled, An Act for erecting a Fortification on the lower Part of Cape Fear River for applying thereto the Powder Money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick, certain Commissioners were appointed, a Majority of whom were, by said Act, invested with full Power and Authority to erect and build a Fort or Battery in such Place on the Lower Part of Cape Fear River, as to them should seem most convenient for the Defense of the said River; in Virtue whereof, a Place for erecting a Fort was agreed on by the said Commissioners, and a Fortification by the Name of Fort Johnston, was raised, and hitherto has been guarded and maintained at a considerable Charge and Expence to the Public; and the Necessity of guarding and maintaining of the said Fort still continuing for his Majesty's Service, and the Defence of this Province: And whereas a Patent for Part of the Land adjoining thereto has been surreptitiously, and without the due Knowledge and Information of the Officers of the Crown granting the same, obtained: And whereas from the Nature of its Situation it is absolutely necessary, for the safety and Security of said Fort and Garrison, as well as for the repairing and maintaining of the same, That three Hundred acres of the said land adjoining the said Fort, bounded as follows: beginning at a Bridge the Mouth of Bennet's Creek, running North Sixty Seven Degrees West, Three Hundred and Thirty Two Poles, to a Creek called Juda's Creek, running down the various Courses of the said Creek to where it empties itself into a Creek, called the Dutchman's Creek; thence down the said Creek to the Mouth thereof, in Cape Fear; then up Cape Fear River to the Beginning, including Fort Johnston, and containing Three Hundred Acres more or less; should be revested in the Crown, and remain for his Majesty's Service, towards repairing and maintaining of the said Fort, and the Use of the said Garrison, forever.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That for so much Land as is contained within the Limits by this Act specified, each and every Patent or Deed heretofore made or executed, so far as relates to the Land above specified, is hereby declared to be null and void, and of no Force, Validity or Effect whatsoever; but that the absolute Right and fee Simple of said Three Hundred Acres of Land, be and remain in his Majesty, his Heirs and Successors forever, for and towards the repairing of said Fort; and to such other uses and purposes as his Majesty shall direct.

III. And that equal Right and Justice may be done to the Patentees, their, and each of their Heirs and Assigns; Be it Enacted, by the Authority aforesaid, That a Jury of Twelve Freeholders, within the County of Brunswick, be appointed by the Justices of the Inferior Court of the said County, at the next Court to be held for said County after First Day of March next; which Jury shall be summoned by the Sheriff of said County, to view the aforementioned Lands and Premises, at some Day between that and the then next succeeding Court for said County; and shall take an Oath before some Justice of the Peace for the said County (who is hereby authorized to administer the same),

to value and appraise the said Three Hundred Acres of Land and Improvements, and make return of such Valuation and Appraisement, and the Names of Persons claiming the same, under their Hands and Seals, to the next succeeding Court for the said County; which said Valuation Money the Public Treasurer of the Southern District is required to pay to the First Patentees, or their legal Representatives, and to take one or more Receipt or Receipts for the same; which with the Valuation returned by the Jury as aforesaid, shall be recorded among the Records of the said Inferior Court of Brunswick County, and be registered in the Register's Office of the said County; which Inquest so taken and returned shall, and is hereby declared to be a Perpetual Bar to the Claim, Right or Title, of any Subject whatsoever, to the said Three Hundred Acres of Land and Premises.

IV. And be it further Enacted, by the authority aforesaid, That the Sheriff of Brunswick County shall summons the Jurors appointed by the Inferior Court of the said County, for the Purposes in this Act directed, at least Five Days before the Day appointed for valueing and appraising the said Land and Premises: And every Juror being so summoned, and failing to attend and take such View of, and value and appraise such Land and Premises, shall be fined by the said Inferior Court of Brunswick, for each Neglect Three Pounds Proclamation Money; to be levied as other Fines set on Jurymen, and applied to the Use of the said County of Brunswick; unless the Person fined shall, on Oath, shew to the next Court sufficient Reason for such Failure or Neglect.

Signed by

WILLIAM TRYON, ESQ., Governor.

James Hasell, President.

JOHN HARVEY, Speaker.

LAWS OF NORTH CAROLINA, 1766.

At an Assembly, begun and held at New Bern, the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-six; and from thence continued, by prorogation, to the Seventh Day of November, in the Year of our Lord One Thousand Seven Hundred and Sixty-Eight: Being the Third Session of this present Assembly.

CHAPTER I.

An Act to amend and explain an Act entitled, An Act for establishing an Orthodox Clergy.

I. Whereas by an Act of Assembly passed at New Bern, on the Third Day of May, in the Year of our Lord One Thousand Seven Hundred and Sixty-Five, entitled An Act for establishing an Orthodox Clergy, it is among other things, Enacted, That if any Clergyman, presented to any parochial living within this Province, shall be guilty of any Gross Crime, or notorious Immorality, it shall be lawful for the Governor or Commander in Chief for the Time Being, by and with the Advice of his Majesty's Council, to suspend the said Clergyman from serving the Cure of such Parish whereof he was incumbent; and that such Suspension should be deemed good and Valid, until such Time as the Bishop of London shall either Restore or pass Sentence of Deprivation on Him.

II. And whereas no provision is made in the aforementioned Act for supporting such Clergyman as may be appointed to officiate during the Suspension of any Minister from serving the Cure of such Parish whereof he was Incumbent; Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That when the Incumbent of any Parish shall be so suspended, that it shall and may be lawful for the Church Wardens and Vestrymen of such Parish, to allow any deserving Minister appointed and received to officiate in such Parish, during the Suspension of the Incumbent as aforesaid, the whole or any Reasonable Part of the Proclamation Money, and of the Perquisites, as such Incumbent might or could have been allowed or entitled to in the said Parish, if no such Suspension had happened; any Law, Usage, or Custom to the contrary notwithstanding.

CHAPTER II.

An Act to amend and continue an Act, entitled, An Act concerning of Vestries.

I. Whereas the said Act of Assembly, passed at Wilmington, the Thirtieth Day of January, in the Fifth Year of his Present Majesty's Reign, was to continue and be in Force for and during the Term of Five Years, from and after the Passing of the same, and no longer; which Term is now near expired; and it being found necessary, in order to make Provision for the Clergy, and for the taking Care of the Poor, and the due Management of Parochial Affairs, that the same should be amended and continued.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That where there hath been an election of Vestrymen, and the Vestrymen so elected have neglected or refuse to qualify, agreeable to the before Mentioned Act, that the Freeholders of every such Parish are hereby directed to meet at the usual Place of electing Vestrymen in every such Parish on Easter Monday, next after the Passing of this Act; and then and there to chuse and elect Twelve Freeholders to serve as Vestrymen which Vestrymen so chosen, shall be summoned by the Sheriff, to appear and qualify, in the same Manner, and subject to the same Fines and Penalties, and be vested with the same Powers and Authorities as other Vestrymen are by the before recited Act; and the Vestry so elected, shall serve until the next general Election of Vestrymen, to be had on Easter Monday, in the Year of our Lord One Thousand Seven Hundred and Seventy; any Thing in the before recited Act to the contrary notwithstanding.

III. And whereas by the before mentioned Act, known Dissenters from the Church of England only are subject to a Fine of Three Pounds, Proclamation Money, for refusing or neglecting to qualify when chosen Vestrymen, agreeable to the Directions of the said Act; Be it therefore Enacted by the Authority aforesaid, That every Person hereafter chosen as a Vestryman in any Parish, and summoned as by said Act directed, and refusing or neglecting to Qualify agreeable to the Directions of the said Act, shall Forfeit and Pay the sum of Three Pounds, Proclamation Money; to be recovered and applied as other Fines in the aforesaid Act directed.

IV. And be it further Enacted by the Authority aforesaid, That this and the aforementioned Act, shall continue and be in Force for and during the Term of Five Years, from and after the passing of this Act, and from thence to the End of the Next session of Assembly; any Thing in the aforesaid Act to the contrary notwithstanding.

CHAPTER III.

An Act for establishing a Militia in this Province. (a)

I. Whereas a Militia may be necessary for the Defence and safety of this Province;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Freemen and servants within this Province, between the Age of Sixteen and Sixty, shall compose the Militia thereof; and that the several Captains of the same shall enroll the Names of all such Freemen and Servants of which their several Companies consist; and shall at their respective General Musters, return a Copy thereof to the Colonel of their respective Regiments; under the Penalty of Five Pounds Proclamation Money; to be levied by a Warrant of Distress from the Colonel of the Regiment, directed to the Sheriff of the County to which the said Regiment belongs; which Sheriff shall be paid out of the said Penalty the Sum of Ten Shillings; And in Case any Sheriff shall neglect or refuse to serve such Warrant, he shall forfeit and pay the Sum of Five Pounds; to be recovered by Action of Debt, in any Court of Record, and be applied as hereinafter directed; Which Copy so returned, shall by every Colonel, be returned to the Governor or Commander in Chief for the Time Being; under the like Penalty; And that all Persons after being so enrolled, who shall at any Time (unless rendered incapable by Sickness or other Accident) neglect or refuse, when called upon, to appear at such Times and Places where ordered by the Colonel or Commanding Officer, there to be mustered, trained, and exercised

in Arms; and be provided with a Well fixed Gun, shall forfeit and pay, if at a Private Muster, Five Shillings, if at a General Muster Ten Shillings; and shall also be provided with a Cartouch Box, Sword, Cutlass, or Hanger, and have at least Nine Charges of Powder, made into Cartridges, and sizeable Bullets or Swan Shot, and Three Spare Flints, a Worm and Picker; under the Penalty if at a Private Muster, the Sum of Two Shillings and Six Pence, if at a General Muster, Five Shillings; to be levied by a Warrant of Distress, from the Captain of the Company, directed to the Sergeant of the same; who is hereby empowered to execute the said Warrant, and distrain for the said Fines and Penalties, in the same Manner as Sheriffs are empowered to distrain for public Taxes, and shall make return thereof to the Captain; which Sergeant shall deduct One Shilling and Four Pence, out of every Fine so levied: And in case such Sergeant or Sergeants shall neglect or refuse to serve any Warrant or Warrants to him or them so directed, he or they for such neglect or Refusal, shall be fined Twenty Shillings; to be recovered by a Warrant from the Captain, directed to any other Sergeant; under the same Penalty; to be accounted for, and applied as other Fines in this Act directed.

III. Provided always, That every Absentee shall be allowed till the next succeeding Muster to make his Excuse, before the Captain shall issue his Warrant; unless against such Defaulters as he may suspect are about removing themselves out of the County before such succeeding Muster; in which Case it shall and may be lawful for the Captain to issue a Summons to cause such suspected Person to appear before him, to make his Excuse for such absence; and upon hearing the same, or upon the Persons refusing to obey such Summons, the Captain shall then proceed as to him shall seem just; And every Person that shall be fined by Virtue of this Act, and shall think himself injured by his Officers, may appeal to the next Court Martial, first giving Security in the Sum of Twenty Shillings, Proclamation Money, to appear and abide by the Judgment of the said Court; and if Judgment shall be against him, that he will then and there pay the Fine, with Two Shillings Cost.

IV. Provided also, That no Member of his Majesty's Council, no Member of the Assembly, no Minister of the Church of England, no Presbyterian Minister regularly called to any Congregation in this Province, no Justice of the Superior Courts, Secretary, practising Attorney, no Man who has bore a military Commission as high as that of a Captain, or Commissioned Officer who has served in the Army, no Justice of the Peace, no Clerk of the Court of Justice, practising Physician, Surgeon, School Master, having the Tuition of Ten Scholars, Ferryman, Overseer, having the care of Six Taxable Slaves, Inspectors, Public Millers, Coroners, Constables, Overseers of Public Roads, Searchers or Branch Pilots, so long as they continue in Office, shall be obliged to enlist themselves, or appear at such Musters.

V. Provided nevertheless, That in Case any such Overseer, having the Care of Six Taxable Slaves, shall be seen in the Muster Field on the Days of general or Private Musters, they shall be liable to a Fine of Forty Shillings; to be levied by a Warrant from the Colonel or Commanding Officer, and applied as other Fines in this Act directed.

VI. And be it further Enacted, by the Authority aforesaid, That if the Captain, Lieutenant, or Ensign, or any Two of them, shall adjudge any Person or Persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with arms, Ammunition, and Accoutrements, required by this Act, every such Person shall be exempt from the Fines and Forfeitures imposed by Virtue of this Act, until such Arms, ammunition, and Accoutrements shall be provided for and delivered him by the Court Martial;

to be paid for out of the Fines already collected, and that may hereafter be collected; such Court Martial first taking Security for the Safe Keeping, and returning such Arms, Ammunition, and Accoutrements, when required.

VII. And be it further Enacted, by the Authority aforesaid, That the Captain of every Company within this Province, shall, and they are hereby required to chuse a Clerk, three Sergeants, three Corporals, and a Drummer, for the said Company; Which said Clerk shall give his Attendance, with his Sword by his Side, on every Muster Day, and call over the Roll of the Company, and take Notice of the Persons who are absent on each of the said Muster Days; and return upon Oath, a true List of the Absentees to his Captain; and shall also, before the Company proceed to their Exercise, read distinctly, and with an audible Voice, at the Head of his Company, this Act, and if the Clerk, Sergeants, or Corporals, or any of them so chosen, shall refuse to act in the Office he is appointed to, he shall forfeit and pay the sum of Forty Shillings.

VIII. And be it further Enacted, by the Authority aforesaid, That in Case of any Insurrection within this Province, or Invasion, it shall and may be lawful for the Governor, or Commander in Chief for the time being, or any field Officer by him directed, to raise all, or so many of the Militia, as shall be thought necessary for opposing such Insurrection or Invasion; and the Militia so raised, shall perform such Duty or Service as they shall be required to do by their commanding Officer; and it is hereby required and directed, that the said Militia shall appear furnished with Arms, Ammunition, Accoutrements as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or alarm given, to appear at such Times and Places as shall be appointed by his Captain or other Officer, shall forfeit and pay Ten Pounds, Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer, for that service, directed to the Sheriff of the County where the Offender resides; And such Sheriff who is hereby required and directed to execute the same, shall, for every Neglect or Refusal, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this Province; And any Person who shall refuse to March against the Enemy when Commanded; or refuse or neglect to do his Duty, or Perform the Service he is put upon by such Captain or other Officer; or shall quit his Post, desert his Colours, or Mutiny, it shall and may be lawful for One Field Officer, or more, three Captains, Three Lieutenants, and three Ensigns, or the Majority of them, openly to hold a Court Martial; first taking the following Oath:

You shall swear, well and truly to try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King and the Prisoner to be tried. So help you God.

And on Tryal and Conviction, to punish the Offender according to Martial Law, as the Nature of the Offence may require (Death excepted) and for Want of such Number of Officers to compleat a Court Martial, the Offender shall be put under a Guard, until such Time as there are a sufficient Number to hold a Court Martial as aforesaid.

X. And be it further Enacted, by the Authority aforesaid, That the respective Officers of the Militia, and the Private Men, when in actual Service, shall, from the Day they are ordered on Duty, be paid according to the Rates following, to-wit:

	£.	s.	d.
A Colonel per Day.....	0.	12.	6.

A Lieutenant Colonel per day.....	0.	10.	0.
A Major per Day.....	0.	10.	0.
A Captain per Day.....	0.	7.	6.
An Adjutant per Day.....	0.	7.	6.
A Lieutenant and Chirurgeon, each per Day.....	0.	5.	0.
An Ensign per Day.....	0.	4.	6.
A Sergeant per Day.....	0.	4.	0.
A Corporal and Drummer, each per Day.....	0.	3.	0.
Every Private Man per Day.....	0.	2.	0.

And Eight Pence per Day, to the Commanding Officer for victualing each Man.

XI. And be it further Enacted, by the Authority aforesaid, That every Captain of a Company shall, once within every Four Months, at such Times and Places within their several Districts, as their respective Colonels shall appoint, muster his Company; and see that every Soldier in his said Company be furnished with such Arms, Ammunition, and Accoutrements, as in and by this Act is directed; under the Penalty of Three Pounds, for each Muster he shall neglect; to be levied by a Warrant of Distress from the Colonel or Commanding Officer of the County, in Manner aforesaid, and be applied as by this Act is Directed: and that each and every Company shall consist of not less than Fifty Men, exclusive of Officers.

XII. And be it further Enacted by the Authority aforesaid, That all Officers of the Militia shall be resident in the County for which they are appointed Officers.

XIII. And be it further Enacted, by the Authority aforesaid, That if any Soldier shall, during the Time of Muster, resist his Commanding Officer, or refuse his Lawful Commands, such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels, not exceeding Fifteen Minutes, picqueted, or ride the Wooden Horse; And if any Officer or Soldier shall refuse to carry such Commands into Execution, he or they so Offending, shall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field Officer in the Regiment, and applied as other Fines mentioned in this Act.

XIV. And be it further Enacted, by the Authority aforesaid, That if any Number of Men, not less than Thirty, nor exceeding Sixty, including Officers, belonging to any of the Regiments within this Province, shall desire to form themselves into a Troop of Horse, it shall and may be lawful for such Persons, by and with the Assent of the Colonel of the Regiment, to form themselves into a Troop; and give a list of their Names to the Colonel; who shall forthwith return the same, under his Hand and Seal, to the Governor or Commander in Chief of this Province for the Time Being; And it shall and may be lawful for the said Governor, or Commander in Chief, to appoint and commissionate a Captain, Lieutenant, and Cornet, to the said Troop; and when the Commanding Officers of the said Troop are ready, and shall exercise the said Troop, and not before, the Persons so enrolled in the said Troop shall be, and are exempt from their Service in the Foot Companies: And the Officers and Private Men of the said Troop, shall afterwards be subject to muster as many Times, as well with Regard to Private Musters as to General Musters of the County, and under the same Penalties, as in and by this Act before directed for the Foot Muster.

XV. And be it further Enacted, by the Authority aforesaid, That every Trooper shall be provided with a good, serviceable Horse, not less than Fourteen Hands High, with a Good Bridle, Saddle, Housing, Holsters, Breast

plate, and Crupper, a Case of good Pistols, a good, Broad Sword, Twelve charges of Powder, Twelve sizeable Bullets, a Pair of Shoe Boots, with Suitable Spurs, and a Carbine well fixed, with a good Belt, swivel and Bucket.

XVI. And be it further Enacted by the Authority aforesaid, That the Colonels of each and every Regiment, shall, once in every Year, cause a general Muster to be Made of their respective Regiments, at the Court House of their County; which if any of them shall fail or neglect to do, and fail to appear at such Musters (Sickness or Accident excepted) he or they so Offending shall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; One Half thereof to such Person who shall sue for the same, and the other Half to be applied as other Fines in this Act directed.

XVII. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Field Officers and Captains of every County, or the Major Part of them, whereof the Colonel, Lieutenant Colonel or Major shall be one; and they are hereby directed and required to meet at the Court House of their respective Counties, on the Day next following their respective general Musters which shall be in their Counties; then and there to hold a Court Martial; which said Court shall have full Power to inquire into the Age and Abilities of all Persons inlisted, and exempt such as they shall judge incapable of Service; and of all Neglects and Omissions, as well by any Officers as Delinquents; and to hear and determine all Appeals which shall be made to the Court from any Officer or Soldier who may think himself unjustly Fined by his Captain, and to order and dispose of all Fines; in the First Place for buying Drums, Colours, and other Necessaries for the Use of the Company from whence the same shall arise, and afterwards with supplying the Militia with Arms; and the said Court is hereby directed and required, to keep a Register of all their Proceedings; and for that Purpose to appoint a Clerk, and to allow him a Reasonable Salary out of the Fines.

XVIII. And be it further Enacted, by the Authority aforesaid, That the Court Martial of every County shall have full Power, from Time to Time, to call the Sheriff, or any other Person or Persons whatsoever, to account on Oath, who shall pay to them the Monies in the Hands of Him or them belonging to their respective Regiments, that have accrued, or shall or may become due by Virtue of this or any former Militia Act: And if any Sheriff or other Person shall refuse or neglect to appear, account, and pay as aforesaid, he shall forfeit and pay the Sum of One Hundred Pounds; to be recovered with Costs, by the Colonel of the Regiment to which such Money is or may become due, by Action of Debt or Information, in any Superior Court; and to be applied to the Use of the Regiment; And when any Suit shall be brought by the Colonel, and he shall happen to die, or be superceded before such Suit shall be determined, the same shall and may be carried on by the Succeeding Colonel, in the Name of his Predecessor who brought such Suit; and the Death of the Colonel, or his being displaced, shall not be pleaded in abatement of such Suit, nor be deemed Matter of Error; Any Law or Usage to the Contrary notwithstanding.

XIX. And be it further Enacted by the Authority aforesaid, That every Colonel failing to appear at such Court, and every Lieutenant Colonel or Major failing to appear at the general Muster, or such Court as aforesaid, for every such Offence, shall forfeit and pay the Sum of Five Pounds, Proclamation Money; and every Captain failing as aforesaid, shall forfeit and pay Three Pounds; and every Lieutenant or Ensign failing to appear at the general Muster, Forty Shillings; unless they shall make such Excuse for

their Absence to the next succeeding Court as the said Court shall judge sufficient: And every Captain, or in his Absence the Clerk of the said Company, shall return, on Oath, an exact List of the Persons who have been Fined, and whether for Absence or Want of Accoutrements; and every Captain shall then and there pay into the Court all such Fines as he shall have received, under the Penalty of Fifty Pounds, to be levied by a Warrant from the Colonel; which said Fine shall be applied as other Fines by this Act are directed.

XX. And be it further Enacted, by the Authority aforesaid, That each and every Captain shall procure a Copy of this Act, and lodge the same with the Clerk of his Company, and be allowed for the same out of the Fines.

XXI. And be it further Enacted, by the Authority aforesaid, That no Officer or Soldier ordered and directed by this Act to appear at Muster as aforesaid, shall be liable to be taken or arrested by any Officer in any civil Action or Process whatsoever, on the Day such Person is directed to appear, in any reasonable Time, either in going to, continueing at, or returning home from the Place appointed to Muster, but every such Arrest is hereby declared to be ipso facto Void; and all Officers are hereby required to take Notice thereof; any Law, Usage, or Custom, to the contrary, notwithstanding:

XXII. And be it further Enacted by the Authority aforesaid, That every Person liable to appear or Muster, going to, or returning from any Muster, shall be suffered to pass over any Bridge, and shall be put over any Ferry, without Delay, free from any Charge whatsoever; And if any Ferryman shall demand, delay, or refuse, to put such Person or Persons over, he shall forfeit and pay for every such Offence the Sum of Twenty Shillings; to be recovered by a Warrant from a Justice of the Peace; one Half to the Informer, the other Half for the Use of the Parish wherein the Offence was Committed.

XXIII. And be it further Enacted, by the Authority aforesaid, That when it shall be thought requisite to swear any Person or Persons upon any Trial before any Captain, about any Fines or Penalties in this Act directed, it shall and may be lawful for the said Captain to administer any such Oath.

XXIV. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Five Years, and no Longer.

CHAPTER IV.

An Act to direct Sheriffs in levying Executions, and the Disposal of Lands, Goods, and Chattels, taken thereon. Expunged.

CHAPTER V.

An Act to explain and amend an Act, entitled, An Act for dividing this Province into Six several Districts; and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein, and for providing adequate Salaries for the Chief Justice, and Associate Justices of the said Superior Courts.

IV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for any Associate Justice of the said Superior Courts to receive the same Fees and Perquisites which the Chief Justice might take, or would be entitled to receive, for taking the Probate or Acknowledgement of any Deed, Letter of Attorney, Private Examination of Feme Coverts,

making Orders, taking Affidavits, administering Oaths, and granting Certificates, or any other customary Matter or Thing, which the Chief Justice of this Province may or can lawfully do out of Court by Virtue of his said Office.

V. And be it further Enacted, by the Authority aforesaid, That no clerk of any Inferior Court shall be appointed to, or hold the Office of Clerk of any Superior Court in this Province.

VI. And whereas a Number of Litigious Suits have been commenced and prosecuted in the Different Courts in this Province, by Persons Inhabitants of, and residents in neighboring Colonies; which Suits the Plaintiff, after occasioning great Charges and expence to the Defendant, either neglect to prosecute, or are cast in, from the Want of a Sufficient Cause of Action; and being out of the Jurisdiction of the Court, the Defendant is without Remedy for such his Costs and Charges; Be it therefore Enacted by the Authority aforesaid, That no Council, or Solicitor, or Attorney, shall, for the Future, commence or prosecute any Suit or Action for any Person or Persons, Inhabitants of, or Residents in any other Province, against any Inhabitant, or Resident of this Province, until he shall have first filed in the Clerk's Office of the District or County a Bond, with sufficient Security, payable to the Defendant; with Condition for the Payment and Satisfaction of all such Sums of Money as the said Plaintiff shall be chargeable with by Reason of the Prosecution of the said Suit, whether the same be due to the Defendant, Officers of the Court, Jurors, Witnesses, or Surveyors; to be recovered on a Scire Facias, in the same Manner as Judgments are recovered on Bail Bonds; And in Case any Councillor, Solicitor or Attorney, shall bring any Suit, without taking and lodging such Bond as aforesaid, he shall be liable to such Costs and Charges as may accrue or arise in the Instances aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That from and after the passing this Act, so much of the before recited Act as comes within the Purview and Meaning of this Act, is hereby declared to be henceforth null and void, to all Intents and Purposes whatsoever.

CHAPTER VI.

An Act to relieve such Persons who have purchased lands sold by Execution, and have not obtained Titles to the same.

I. Whereas by an Act of the General Assembly, passed at Wilmington, in the Year One Thousand Seven Hundred and Sixty Four, declaring Lands, and other real Estate in this Province, liable for the Payment of Debts, and subject to be taken in Execution and sold for that Purpose, and Conveyances under such Sale to be made by the Sheriff selling the same; and in Case of his Death or removal from Office, the Conveyance to be made by his Successor in Office; and whereas many Tracts of Land, in Virtue of the said Act, have been formerly taken in Execution and sold; but by Reason of the Death of the Sheriff selling the same, and the Doubts of the Succeeding Ones, Titles have not been made to the fair and Open Purchasers, who have paid the Consideration of such Sales at the Time of selling, which Doubts have arisen from the Publication here of his Majesty's Royal Disallowance of that Act; That the Fair Purchaser may be remedied herein,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That any Person or Persons who heretofore, and until the Publication of the Disallowance of the Act aforesaid, have actually purchased any Lands sold by any Sheriff as aforesaid, and have Bona Fide paid the Full Consideration Money for the same to the Sheriff, for the Purposes for which the same was sold and hath not, from the Obstructions afore-

said, obtained a Proper Conveyance of the Title of such Lands from the Sheriff, according to the Directions of the said Act, may, and are hereby Authorized, to demand of the Sheriff now in Office, or the Sheriff for the Time Being, of the County wherein such Lands lie, a proper Deed of Conveyance for the same Lands; And such Sheriff is hereby authorized and required, on Application of the Purchaser as aforesaid; and in Case of his or her Death, on the Application of the Heir, Executors, Legatees, or Assignees of said Deceased (where of Right it ought to be done) to make such sufficient Deed or Conveyance in Law, of the Lands so sold, as the Sheriff, at the Time of making the Sale, in Virtue of the Act aforesaid, could or ought to have done and all Deeds and Conveyances made and executed as aforesaid, in Virtue hereof, are hereby declared to be good and Valid; and shall be as effectual in Law for conveying the Legal Title of the Lands therein Mentioned to the Purchaser thereof, his or her Representative as aforesaid, as if the same Conveyance had been Made at the Time of the Sale on Execution, by the Sheriff selling the same.

CHAPTER VII.

An Act to enlarge the Time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

III. And whereas no provision is made by the before recited Act for the Sheriffs, in Case they should be prevented by Weather, Sickness, Non-Attendance of the Justices at the Time of holding the Inferior Court, between the First Day of October and the First Day of January, or other Accident, whereby a Settlement may be prevented; And whereas by Reason of the Shortness of the Time limited by the before recited Act for the Sheriffs of the several Counties in this Province to settle and Account with the Justices of their respective Counties; and also by Reason of the great Scarcity of Currency, it hath been found Impracticable for the several Sheriffs to settle for their Collection of Public Taxes, so as to entitle them to the Benefit, Privileges, and Advantages, which by said Act they would be entitled to could they settle and Account with the Justices of their respective Counties, at the Inferior Court to be held between the First Day of October and the First Day of January: For Remedy whereof, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the several Counties within this Province at any Inferior Court held between the First Day of October and the Tenth Day of April, in each Year, to settle and account with the Sheriff of the respective Counties for the County Tax: And any Sheriff settling and Accounting with the Justices at any Inferior Court held in the County whereof he is or has been Sheriff, between the First Day of October and the Tenth Day of April, as aforesaid, for his Collection of Taxes in the preceding Year, shall be entitled to the same Allowance, Benefits, and Advantages, as if such Settlement had been made between the First Day of October and the First Day of January; any Thing contained in the aforementioned Act to the contrary, notwithstanding.

IV. And whereas there are many Counties within this Province wherein the Public Taxes, for want of an Acting Sheriff in such Counties, have not been collected, to the great loss and Injury of the Public; To Remedy which Evil and Inconvenience, Be it Enacted, by the Authority aforesaid, That it shall and may be lawful for the Governor, or Commander in Chief for the Time Being, and he is hereby authorized and impowered, to appoint, and by

his Commission, to constitute any Freeholder of such County, of sufficient Circumstances and Abilities, Collector of the Public and County Taxes, of such County as have been, or hereafter shall be destitute of a Sheriff, to collect the Public Taxes now due, or that hereafter may become due from such County; such Collector first entering into Bond, and sufficient Security, for the true and faithful collecting of, and accounting for, the Public and County Taxes by him to be Collected, in the same Manner, and under the same Regulations, as by law acting Sheriffs are required to do.

V. And be it further Enacted by the Authority aforesaid, That such Collector shall have, Use, and Exercise, the same Power and Authority, to Make Distress for levies, and to be entitled to the same Commissions and Allowance, as by Law Sheriffs may have or are entitled to.

CHAPTER VIII.

An Act to amend an Act, for establishing Public Warehouses in the Towns of Halifax and Cambleton, for the Inspection of Hemp and Flax, and other Purposes.

I. Whereas by the above mentioned Act it is, amongst other Things, directed, that the Hemp and Flax to be received by the Inspectors shall be prized into Bales and Bundles, and in that Manner delivered out to the Exporter; and the Oath in the same Act enjoins them, amongst other Things, "That they shall not change, alter, or give out, any Hemp or Flax, other than that for which the Receipt to be taken in was given"; which Directions and Restrictions have, on Experience, been found very inconvenient and useless;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and Immediately after the passing this Act, the Inspector at each of the said Warehouses shall, and is hereby directed, to prize all Hemp and Flax by them received, and all such as they shall hereafter receive, into good, substantial, and well hooped Hogsheads, of not more than Four Feet in length, and Thirty Inches in Diameter at the Heads within the Croze; which Hogsheads, when prized, shall be well lined and nailed, fit for Exportation: And the said Inspectors, in Discharge of their Notes, as by the Rules in the said Act prescribed, shall pay out the same in Hogsheads as aforesaid, of Six Hundred Weight nett each at least, if required of that Weight by the Owner or Exporter; And the Persons receiving out any such Hogsheads of Hemp or Flax for Exportation shall, for each Hogshead pay to the Inspector delivering the same, Six Shillings and Three Pence, Proclamation Money, for the Cask; and also, for every Hundred Weight of Hemp or Flax therein, the Sum of Two Shillings, like Money, for Inspection, Prizing and Nails, and four Pence per Hundred for Warehouse Rent; which last sum of Four Pence per Hundred, to be paid by the Inspector to his County Court, as by said Act is Directed; and instead of the Oath by said Act directed, the said Inspectors shall take the following Oath, to-wit: You shall swear that you will carefully view and examine all Hemp and Flax brought to the Warehouse where you are appointed Inspector; that you will not receive any Hemp or Flax that is not in your Judgment Bright, clear, and Merchantable; but that you will, in all things, well and faithfully discharge your Duty in the Office of an Inspector, according to the best of your Skill and Judgment, and according to Law, without Fear, Favor, Affection, Malice, or Partiality; and that you will take no Fee or Reward

for any Thing Done by you as Inspector, other than the fees appointed by this Act. So help you God.

III. And whereas the Act for granting a Bounty on Hemp and Flax, cultivated in this Province is now near expiring, and it being greatly to the Advantage of this Province to encourage the raising those valuable Articles of Commerce; Be it Enacted, That the said Act entitled, An Act to encourage the Culture of Hemp and Flax, and other Purposes, or so much thereof as remains unaltered by subsequent acts shall be and remain in full Force for and during the Term of Four Years, to be accounted from the Time at Which, by the Tenor thereof, it would otherwise expire.

IV. And be it further Enacted, That so much of the Act first above mentioned as is within the Purview of this Act, is, and stands hereby repealed and made void.

CHAPTER IX.

An Act to amend an Act entitled, An Act to restrain the Keeping of too great a Number of Horses and Mares, and for amending the Breed.

I. Whereas by an Act of Assembly, passed at Edenton, on the Twenty Third Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Three, entitled, An Act to restrain the Keeping of too great a Number of Horses and Mares, and for amending the Breed; it is Enacted, among other Things, that no Person whatsoever shall suffer, or let go at Large, any Stone Horse or Horses, of Two Years old, unless such Horse or Horses shall be at least Thirteen Hands in Height, under certain Penalties and Forfeitures in said Act Specified; And whereas the suffering Horses of that Age and Size is found prejudicial to the Breed;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, no Person Whatsoever in this Province shall suffer, or let go at large, any Stone Horse or Horses, of Two years Old or Upwards, unless such Horse or Horses, shall be at least fourteen hands in height, upon penalty of forfeiting such horse or horses, or the sum of Twenty Shillings, to the taker up of every such Stone Horse, provided the same be found running at large not within the Confine of any Fence, Water, Marsh, or Swamp; any Thing contained in the aforesaid Act, to the contrary notwithstanding.

CHAPTER X.

An Act for dividing the County of Mecklenburg, and other Purposes.

I. Whereas by Reason of the large Extent of the County of Mecklenburg, it is greatly inconvenient for the Inhabitants to attend the Courts of the aforesaid County, and other Public Duties by Law required;

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Tenth Day of April next, the said County of Mecklenburg shall be, and is hereby divided into Two distinct Counties and Parishes, by a Line beginning at Earl Granville's Line; where it Crosses the Catawba River; and the said River to be the Line to the South Carolina Line; and that all that Part of the said County which lies to the Eastward of the said dividing Line shall be a distinct County and Parish, and remain and be called by the Name of Mecklenburg County, and

St. Martin's Parish; and that all that Part of the County lying to the Westward of the said dividing line shall be one other distinct County and Parish, and be and remain by the Name of Tryon County, and St. Thomas's Parish.

III. And be it further Enacted by the Authority aforesaid, That after the said Tenth Day of April next, the Court for the said County of Mecklenburg shall be constantly held by the Justices thereof at the Court House in the said County, on the Third Tuesday in April, July, October, and January; and also that the Court for the said County of Tryon shall be constantly held by the Justices thereof at such Place as shall be laid off and agreed upon by the Commissioners hereinafter named, for the directing and agreeing with Workmen for building the Public Buildings for the said County of Tryon, upon the Fourth Tuesday in April, July, October, and January, in every Year as by the Laws of this Province is or shall be provided, and by Commission shall be directed to the Justices of the said Counties Respectively.

IV. And whereas the Court House of the said County of Mecklenburg already built is not central, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful (at any Time after the Expiration of Seven Years from the passing of this Act) for the Justices, with the Consent of the Majority of the Freeholders of the said County, to sell and dispose of such Court House, Prison, and Stocks, already Built, and to erect and build another Court House, Prison, and Stocks, at any other Place in the said County more central; And the Justices of the said County are hereby Authorized and impowered to apply the Money arising from the Sale of the old Court House, Prison, and Stocks towards building such new Court House, Prison and Stocks; and also to lay a Tax on each and every Taxable Person in the said County, sufficient to erect and finish such new Court House, Prison, and Stocks; to be collected by the Sheriff of the said County, and accounted for and paid to the Justices of the said County, in the same Manner as he is by Law to account for and pay other County Taxes; to be applied by the Justices of the said County towards erecting and Building the said Court House, Prison and Stocks, according to the True Intent and Meaning of this Act.

V. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Mecklenburg, as it now stands undivided, to make distress for any levies, Fees, or other Duties, that shall be due from the Inhabitants of the said County on the said Tenth Day of April, in the same Manner as he might have done by law, if the said County had remained undivided; and the said levies, Fees and other Duties, shall be accounted for in the same Manner as if this Act had never been Made; any Thing herein contained, to the contrary, notwithstanding.

VI. Provided always, That nothing herein contained shall be construed, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs and Successors, of granting Letters of Incorporation to the said County of Tryon; and of Ordering, appointing, and directing, the election of Members to represent the same in Assembly; and granting Markets and Fairs to be kept and held in the said County; but that the said Right and Prerogative shall and may, at all Times hereafter, be exercised therein by his said Majesty, his Heirs and Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been Made.

VII. And be it further Enacted, by the Authority aforesaid, That Thomas Neal, Henry Clark, William Yancey, Daniel Warlock, Jacob Forney, John

Gordon and William Watson, and the Survivor or Survivors of them, be, and are hereby appointed Commissioners; and are hereby impowered and directed to agree and contract with Workmen for erecting and building a Court House, Prison, and Stocks, for the Use of the said County of Tryon.

VIII. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings, Be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings, Proclamation Money, per Annum, shall be levied on each Taxable Person in the said County of Tryon, for Two Years, next after the said Tenth Day of April: And that all Persons who shall neglect to pay the said Tax till after the Tenth Day of March, in each Year, shall be thereafter liable to the same Distress as for non-Payment of Public Taxes; and the Sheriff of the said County is hereby required and directed, on or before the Tenth Day of June in the said Years, respectively to account for, and pay the Money by him so collected, to the Commissioners aforesaid, after deducting Eight Per Cent. for his Trouble in collecting the same; and in Case of Failure or Neglect therein by the Sheriff, he shall be liable to the same Penalties, as by Law may be had against Sheriffs who neglect or refuse to account for and pay Public Taxes.

IX. Provided nevertheless, That if the Money so to be Collected shall be more than sufficient to answer the Purposes aforesaid, the Commissioners shall account for, and pay the overplus thereof to the Justices of the said County of Tryon, to be applied towards defraying the Contingent Charges of the said County.

X. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of Tryon for the Time being, after the said Tenth Day of April, shall Account with, and pay to the Public Treasurer of the Southern District of this Province, all Public Taxes by him collected; under the like Rules and Restrictions, Pains, Penalties, Process, and Remedy, as other Sheriffs are by Law subject to in like Cases.

XI. And be it further Enacted by the Authority aforesaid, That after the said Tenth Day of April the County of Tryon shall be, continue, and remain Part of the District of the Superior Court for the District of Salisbury; And the Justices of the said Inferior Court of Tryon shall, and they are hereby directed, before every Superior Court held for the District aforesaid, to nominate and appoint Six Freeholders to serve as Grand and Petit Jurors at such Superior Court; a List of which Jurors so nominated, shall be delivered by the Clerk of such Court to the Sheriff, who shall and is hereby required to summons the Persons so nominated to serve as Jurymen at the said Superior Court; which Jurymen so Nominated, shall have and receive the same allowance, and shall be under the same Rules, Fines and Restrictions, as other Jurymen in the respective Counties of this Province.

XII. And whereas the Number of Jurors to serve at the Superior Court in Salisbury, for the County of Mecklenburg, were formerly Seven Grand and Seven Petit Jurors; Be it Enacted by the Authority aforesaid, That the Justices of the County of Mecklenburg shall, for the Future, appoint only Four Persons to serve as Grand Jurors, and Four Persons to serve as Petit Jurors, at the said Superior Court of Salisbury; any Law, Usage, or Custom, to the contrary, notwithstanding.

XIII. And be it further Enacted, by the Authority aforesaid, That the Freeholders of the said Parishes of St. Martin, and St. Thomas, respectively, shall, on next Easter Monday, meet at the Places where the Inferior Courts of the Counties of Mecklenburg and Tryon are held, then and there to choose and elect Vestrymen for the said Parishes of St. Thomas and St. Martin; which Vestrymen shall be chosen, and invested with the same Powers and

authorities, and liable to the same Rules, Restrictions, and Penalties, as the Vestries are by Law subjected to; Which Vestrymen so chosen and elected, shall be and remain the Vestries of the said Parishes of St. Martin and St. Thomas, until the Time by Law appointed for the election of Vestrymen throughout this Province.

CHAPTER XI.

An Act for establishing a Town in Mecklenburg County.

I. Whereas it hath been represented to this Assembly that Three Hundred and Sixty Acres of Land was granted to John Frobock, Abraham Alexander, and Thomas Polk, as Commissioners, in Trust for the County aforesaid, for erecting a Court House, Prison and Stocks, for the Use of said County; which said Three Hundred and Sixty Acres of Land was afterwards by them laid off into a Town and Common; and that Part of the said Three Hundred and Sixty Acres of Land hath likewise been laid out into Lots, of Half an acre each, on some of which good habitable Houses have been erected; and that by Reason of the Healthiness of the Place aforesaid, and convenient Situation thereof for Trade, the same might soon become considerable, if it was erected into a Town by Lawful Authority, to which the said Frobock, Abraham Alexander, and Thomas Polk, Commissioners aforesaid, who are now seized in Fee of the said Three Hundred and Sixty Acres, and those who claim under them, having consented.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Three Hundred and Sixty Acres of Land, so laid off by the Commissioners or Trustees as aforesaid, be, and the same is hereby constituted, erected, and established, a Town and Town Common, and shall be called by the Name of Charlotte.

III. And be it further Enacted, by the Authority aforesaid, That John Frobock, Abraham Alexander, Thomas Polk, Richard Berry, Esquires, and George Allen, and every of them be, and are hereby appointed Directors and Trustees for directing the Building and carrying on the said Town; and they shall stand seized of an indefeasible Estate, in Fee, in the said Three Hundred and Sixty Acres of Land, to and for the Uses, Intents and Purposes, hereby expressed and declared; and they or the Majority of them, shall have full Power and Authority to meet, as often as they shall think necessary, and cause an exact Plan of One Hundred Acres of the said Land to be made, as near as may be, agreeable to the Streets and lots already laid out, and the Residue thereof shall be, and remain for a Common thereto; and that the said Directors shall insert a Mark or Number on each Lot; which said Plan shall be kept in some convenient Place in the said Town, for the View of such Persons who have, or incline to have a Lot or Lots in the same.

IV. And whereas eighty Lots, already laid off in the said Town, have been Purchased; Be it therefore Enacted by the Authority aforesaid, That the said Directors, or the Majority of them, shall make and execute Deeds for granting and conveying the said Eighty Lots to the Purchasers, their Heirs and Assigns forever; and also to every other Person who shall purchase any other Lot or Lots in the said Town, at the Cost and Charges of the Grantee to whom the same shall be conveyed, he or they paying to the Treasurer hereinafter appointed, the annual Rent of One Shilling, for each and every Lot; and every Person claiming any Lot or Lots by Virtue of any such conveyance, shall and may hold the same in fee simple.

V. Provided nevertheless, That every Grantee of any Lot or Lots in the

said Town so conveyed, or hereafter to be conveyed, shall, within Three Years next after the Date of the Conveyance for the same, erect and build on each Lot so conveyed, one well framed sawed or hewed Log House, twenty Feet in length, and sixteen Feet wide, and Ten Feet high in the Clear, with a Brick or Stone Chimney or Chimnies, or proportionable to such Dimensions, if such Grantee shall have Two or more Lots in said Town; And if the Owner of any Lot shall not pursue and comply with the Directions in this Act Prescribed for building and finishing a House thereon, then such Lot upon which such House shall not be built and finished shall be revested in the said Directors; and they or the Majority of them, may, and are hereby impowered and authorized, to sell such Lot for the Best Price that can be had, to any Person applying for the same, in such Manner, and under such Restrictions, as they could or might have done if such Lot had not before been sold or granted; and the Money arising by such Sale to be applied as the Directors, or the Majority of them, shall think proper, for the Use of the Town.

VI. And be it further Enacted, by the Authority aforesaid, That Thomas Polk be, and is hereby appointed Treasurer of the said Town; who shall enter into Bond, with sufficient Security, to the Directors of the said Town, in the Penal Sum of Five Hundred Pounds, that he will well and truly account with and pay the Monies he shall receive in Virtue of his Office, to such Person or Persons as by this Act he is directed: And on the Death, or removal out of the County of the said Treasurer, the remaining Directors, or the Majority of them, by Certificate under their Hands and Seals, shall nominate and appoint one other of the said Directors to be Treasurer of the said Town; and so in like Manner, from Time to Time, as often as the said Office shall become vacant as aforesaid; and such Treasurer or Treasurers shall enter into Bond, with Security, in the same Manner as the Treasurer by this Act appointed.

VII. And be it further Enacted by the Authority aforesaid, That in Case of the death, Refusal to act, or Removal out of the County, of any of the said Directors, the surviving or other Directors, or the Majority of them, shall, and are hereby impowered, from Time to Time, by Instrument of Writing, under their respective Hands and Seals, to nominate some other Person, being an Inhabitant or Freeholder in said Town, in the Place of him so dying or refusing to Act, or removing out of the said County; which Director so nominated and appointed shall, from thenceforth, have the like Power and authority, in all things in the Matters herein contained, as if he had been expressed by Name and appointed by this Act.

CHAPTER XII.

An Act for establishing a Town on the Land of Benjamin Wynns, on Chowan River.

I. Whereas it hath been represented to this Assembly, that the Lands of Benjamin Wynns, lying on the South West side of Chowan River, in Hertford County, where the Court House and other Public Buildings are erected, is a Healthy, pleasant Situation, well watered, and commodious for Commerce; and the said Benjamin Wynns having signified his free Consent, by a Certificate under his Hand and Seal, to have One Hundred Acres of the said Land laid off for a Town and Fifty Acres for Town Common; which will greatly promote the Trade and Navigation of the said River:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and

by the Authority of the same, That the Directors or Trustees hereafter appointed, or the Majority of them, shall, as soon as may be, after the passing of this Act, cause the said One Hundred Acres to be laid off in Lots of half Acres each, with convenient Streets, Lanes, and Alleys; which Lots so laid off according to the Directions of this Act, is hereby constituted, erected, and established a Town, and shall be called by the Name of Winton.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, Henry Hill, William Murfee, John Baker, Mathias Brickill, Joseph Dickinson, Henry King, and Benjamin Wynns, be, and they, and every of them, are hereby constituted Directors and Trustees, for the designing, building, and carrying on the said Town; and they shall stand seized of an Indefeasible Estate, in Fee Simple, of the said One Hundred and Fifty Acres of Land, to and for the Uses, Intents, and Purposes, hereby expressed and declared; and they or any Four of them, shall have full Power and Authority, to meet, as often as they shall think necessary, and cause a Plan thereof to be Made, and therein to insert a Mark, or Number to each lot, and as soon as the said Town shall be laid off as aforesaid, they, and each of them, shall have Power to take subscriptions for the said Lots, of such Persons as are willing to subscribe for them; And when the said Directors have taken Subscriptions for Eighty Lots, or upwards, they shall appoint a Day, and give Public Notice to the Subscribers, of the Day and Place appointed for the drawing of the said Lots; which shall be done by Ballot, in a Fair and Open Manner, by the Direction, and in the presence of the Majority of the said Directors, at least; and such Subscriber shall be entitled to the Lot and Lots which shall happen to be drawn for him, and correspond with the Mark or Number contained in the Plan of the said Town; And the said Directors or the Majority of them, shall make and execute Deeds for granting and conveying the said One Hundred Acres of Land, in Half Acres as aforesaid, to the subscribers, their Heirs and Assigns, forever; and also, to every other Person who shall purchase any other Lot or Lots in the said Town, at the Cost and Charges of the said Grantee to whom the said Lot or Lots shall be conveyed; and every Person claiming any Lot or Lots by Virtue of any Such Conveyance, shall and may hold and enjoy the same in Fee Simple.

IV. Provided nevertheless, That every Grantee of any Lot or Lots in the said Town so conveyed, shall, within Three Years, next after the Date of the Conveyance for the same, erect, build, and finish, on each Lot so conveyed, one well framed, or Brick House, Sixteen Feet Square at the least, and ten Feet pitch in the Clear, or proportionable to such Dimensions, if such Grantee shall have two or more Lots contiguous; And if the Owner of any Lot or Lots shall fail to comply with the Directions in this Act prescribed, for building and finishing a House thereon, then such Lot or Lots upon which such House shall not be built and finished as aforesaid, shall be revested in the said Directors; and the said Directors or a Majority of them, may, and they are hereby empowered and authorized, to sell such Lot or Lots for the best Price that can be had, to any Person applying for the same, and grant and convey such Lot or Lots to such Person or Persons, under the like Rules, Regulations, and restrictions, as the same was, or were formerly granted; and the Money arising from such Sale, be applied by the said Directors, or a Majority of them, for the Benefit and Improvement of the said Town.

V. And be it further Enacted by the Authority aforesaid, That each respective Subscriber who shall subscribe for any Lot or Lots in the said Town, shall, within One Month after it shall be ascertained to whom each of

the said Lots doth belong, in Manner hereinbefore Mentioned, pay and satisfy to the said Directors, or one of them the Sum of Fifty Shillings, Proclamation Money, for each Lot by him subscribed for: And in Case of the Refusal or Neglect of any Subscriber to pay the said Sum, the said Directors shall and may commence and prosecute a Suit, in their own Name for the same, and therein shall recover Judgment, with Costs of Suit: And the said Directors shall, as soon as they receive the said Money, pay and satisfy to the said Benjamin Wynns, his Heirs or Assigns, the Sum of Forty Five Shillings, Proclamation Money, for each Lot, in full satisfaction for the said Land; and the other Five Shillings shall be applied towards defraying the Expence of laying off and improving the said Town, as a Majority of the Directors shall think proper.

VI. And for continueing the Succession of the Directors, until the said Town shall be incorporated; Be it further Enacted, by the Authority aforesaid, In Case of the Death, Refusal to Act, or Removal out of the County, of any of the said Directors, the surviving Directors, or the Majority of them, shall Assemble, and are hereby impowered from Time to Time, by Instrument of Writing, under their respective Hands and Seals, to nominate some other Person, being a Freeholder of the said Town, in the Place of him so dying, refusing to act, or removing out of the County; which new Director so nominated and appointed, shall, from thenceforth, have the like Power and Authority, in all Things in the Matters herein contained, as if he had been expressly named and appointed in and by this Act.

VII. Provided nevertheless, That the said Benjamin Wynns shall have, to his own Use, the Dwelling House, and other out Houses thereon, with such Lots as he shall choose adjoining them, not exceeding Eight Lots, exclusive of the said One Hundred Acres; And the Court of the said County, or their Successors, shall not have Power to appoint a Public or other Ferry at the said Town, in Prejudice to the said Benjamin Wynns; but that the keeping of the said Ferry from his Own Land, on the North Side of the said River, to the said Town; and from the said Town to the North side of the said River, shall be and remain unto the said Benjamin Wynns, his Heirs and Assigns, until he or they shall refuse to comply with the Terms by Law prescribed for erecting and keeping Public Ferries.

CHAPTER XIII.

An Act to amend an Act, entitled, An Additional Act to an Act, entitled, An Act to prevent killing Deer at unseasonable Times; and for putting a Stop to many Abuses committed by White Persons, under Pretence of Hunting.

I. Whereas by the before recited Act, Persons who have no settled Habitation or not tending Five Thousand Corn Hills, are prohibited from Hunting, under the Penalty of Five Pounds, and Forfeiting of his Gun; which by Experience, has been found not to answer the Purposes intended by said Act; many Disorderly and Dissolute Persons, having no Habitation of their Own, still continue to hunt on the King's Waste, and the Lands of other Persons, and kill Deer, and leave the Carcasses in the Woods; by which Means the Wolves, Bears, and other Vermin, are fed and raised; to the great Damages of many of the Inhabitants of this Province; and the Fines being difficult of Recovery, by Means of Persons, having no property of their Own, assembling in great Numbers, and camping in the Woods, and kill Deer, burn and destroy the Range, burn Fences and commit many other Injuries to the Inhabi-

tants of this Province; and associate for the Mutual Protection and Defence of each other, against any Person or Persons who shall attempt to execute any Precept on any of them; For Remedy whereof;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of January next, no Person whatsoever (Masters and Slaves excepted) not having a Freehold of One Hundred Acres of Land within this Province, or tending ten Thousand Corn hills, at least, Five Feet distance each, shall hunt or kill Deer; under the Penalty of Ten Pounds, Proclamation Money, for every Offence; and moreover shall forfeit his Gun, or the Value thereof; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, by any Person who will prosecute for the same, wherein upon conviction over and above the said Penalty and Forfeiture as aforesaid, the Defendant shall be committed to gaol, by order of the Court; there to remain without Bail or Mainprize, for One Month.

III. And be it further Enacted, by the Authority aforesaid, That upon Action of Debt, Information or Indictment, being prosecuted for the above Penalty, the Sheriff who shall execute the Writ, shall take two sufficient securities for the Defendant's Appearance, at the Court to which the same, by the Tenor thereof is made returnable; which Bail so taken, shall be subject and liable as in other Cases; and on Failure thereof, or an Exception being taken to the said Bail, the same shall be deemed insufficient, then, and in that Case, the Sheriff shall stand and be taken as special Bail.

IV. Provided nevertheless, That the Sheriff may surrender the Defendant in Discharge of himself, at any Time before Final Judgment had against the defendant.

V. Provided also, That nothing herein contained, shall extend to bar or hinder an Overseer of a Slave or Slaves from hunting or killing Deer with a Gun on his Employers Lands, or the waste Lands of the King, or Lord Granville, within Five Miles of the Residence of such Overseer.

VI. And whereas by reason of the Insurrections of many illegal Proceedings of sundry of the Inhabitants of this Province, the County Gaols are become almost useless; many persons who are committed thereto being released by Force, the said Gaols being remote from the Residence of the Sheriffs, who might prevent such Breakings as aforesaid, by raising sufficient Force for that Purpose: Therefore be it Enacted by the Authority aforesaid, That upon Suit being commenced on Action of Debt, Information, etc., in a Superior Court, if the Defendant shall fail to give such Security as aforesaid, that then the Sheriff shall commit the Defendant to the Gaol of the Superior Court for the District to which the same is made returnable.

VII. And be it further Enacted by the Authority aforesaid, That the Sheriff shall have, for the services he shall perform in a Suit brought as aforesaid, the same Fees and allowances as in other Cases on Action Brought, Information, or Indictment prosecuted, and subject and liable for taking greater Fees, in the same Manner as in other Cases.

VIII. And be it further Enacted, by the Authority aforesaid, That no white Person whatsoever shall, on any Pretence, presume to hunt with Dogs, or otherwise, or drive or kill any Deer or Game on any Persons Lands, without Leave of the Owner of such Land; under the Penalty of Five Pounds, Proclamation Money, for each Offence; to be recovered by Action of Debt, in the Inferior Court of the County wherein the Offence shall be committed, by the Owner of the said Land.

CHAPTER XIV.

An Act preventing the frequent Abuse in taking up and secreting of Stray Horses, in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Hertford, Tyrrel, Craven, and Pitt. (a).

I. Whereas it is common for Horses to stray away from their respective Owners; by Reason whereof the Owners are often Subject to much Loss, Difficulty, and Expence, before they can regain the Possession of such Horses.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Freeholder within the Counties before mentioned, who from and after the passing of this Act, shall take up any stray Horse, Mare, Gelding, or Colt, shall, within Ten Days after the taking up of such Stray, the Owner of such Stray being unknown to him, lead the same before the Ranger of the County, appointed by his Excellency the Governor or Commander in Chief for the Time being, where taken up, and make Oath before such Ranger to the Time of taking up the same, and that it was taken up on his land; and also to the Brands and Marks it then had, and that the same have not been altered or defaced since the taking up thereof; whereupon such Ranger is required to issue his summons to any Two Honest Freeholders of the Neighborhood, who after taking an Oath before the Ranger to that Purpose, who is hereby authorized to administer any Oath by this Act directed, shall view and appraise such Stray; which Appraisement with a particular and exact Description of the Marks, Brands, Stature, and Age of such Horse, Mare, Gelding or Colt, together with the Time of Taking up of such Stray, and Place of abode of the Person taking up the same, shall by such Ranger, be entered in a Book to be by him kept for that Purpose; and thereupon the said Ranger shall have paid to him by the Person taking up the Stray, Five Shillings, Proclamation Money; And the Person taking up such Stray Horse, Mare, Gelding, or Colt, for his Trouble and Expence in taking the same to the Ranger, and paying as aforesaid, for the services to be done by the Ranger, may demand, take and receive, of the Person claiming the Property of the said Horse, Mare, Gelding, or Colt, Ten Shillings, Proclamation Money.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Person taking up any Stray, to keep Possession of the same; and at the Expiration of Ten Days, after Appraisement as aforesaid, and no Property proved by the Owner thereof, moderately to use the same provided the said Horse, Mare, or Gelding, shall not be sent or rode at any Time out of the County where taken up.

IV. And be it further Enacted, by the Authority aforesaid, That the Property of every Stray Horse, Mare, Gelding, or Colt, after such Appraisement, shall be deemed to be vested in the Person taking up the same; nevertheless it shall and may be lawful for the Former Owner thereof, at any Time within Twelve Months after such Appraisement as aforesaid, on proving his Property to such Stray, by his Own Oath, or otherwise, either to demand or recover such stray, or the Valuation Money, at the Election of the Owner, deducting there from the Reward hereby allowed for taking up the same, and the Money by him paid the Ranger for his Services: And in Case the Former owner shall not, within Twelve Months from the Time of taking up the same, make claim to such Horse, Mare, Gelding, or Colt, and prove on Oath or otherwise, the Property therein, the same shall belong to,

and is hereby declared to be the absolute Property of the Person taking up of such Stray; but it shall in like Manner, be lawful for the former Owner thereof, at any Time afterwards, upon proving his Property by the Oath of One or More indifferent Witnesses, to demand and recover of the Person taking up the same, the appraised Value of such Horse, Mare, Gelding, or Colt, deducting therefrom the Ranger's Fee, and the Reward for taking up the said stray.

V. Provided always, That if after the Appraisement of any Stray, and Entry made thereof, with the Ranger aforesaid, such Stray should happen to die, before the Owner thereof shall make claim, and prove his or her Right, the Person taking up such Stray shall not be answerable for the same, unless such Death appears to have been occasioned by ill Usage or abuse.

VI. And be it further Enacted by the Authority aforesaid, That if any Person not being a Freeholder shall presume to take up any Stray; or if any Freeholder shall take up any such Stray, at any other Place than on his own Land, he or she so Offending shall, for every such Offence, forfeit and pay Five Pounds to the Owner thereof; to be recovered with Costs, before any Jurisdiction, having Cognizance thereof, and be further liable to the Action of the Party grieved.

VII. Provided nevertheless, That nothing herein contained shall extend to prevent any Freeholder, or other Person, from taking up any Stray Horse, Mare, Gelding, or Colt, and carrying the same immediately to the Owner thereof. (a).

IX. And to the End that Horses heretofore strayed away may be recovered by their respective Owners; Be it further Enacted by the Authority aforesaid That all and every Person who hath at any Time within Three Years before the passing of this Act, taken up any Stray Horse, Mare, Gelding, or Colt, and hath not as yet discovered the Owner thereof, and returned the same; such Person shall, within three Months after the passing of this Act, take such Stray before the Ranger of the County where taken up; and thereupon the same Proceedings shall be had, and the like Rules observed, under the same Rewards, and liable to the same Forfeitures, as in and by this Act is directed to be had and observed concerning of Strays hereafter to be taken up.

X. And be it further Enacted, by the Authority aforesaid, That for the more Speedy Recovery of Strays, it shall and may be lawful for any Person, at all times hereafter, to look over and search the Entry Book by this Act directed to be kept by the Ranger of each County in this Act Named, for Information of any Horse, Mare, Gelding, or Colt, which heretofore has, or hereafter may stray away from the Owner thereof; the Person requesting such Search first paying Eight Pence, Proclamation Money, therefor, to the Ranger keeping such Book.

XI. And be it further Enacted by the Authority aforesaid, That every Ranger appointed in Virtue of this Act, within the Counties aforesaid, shall, immediately after his appointment to said Office, advertise the same at the Door of the Court House, and at each Church and Chapel within the County whereof he is appointed Ranger.

XII. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts heretofore made concerning taking up Stray Horses, within the Purview of this Act, is, and stands hereby repealed.

XIII. And be it further Enacted by the Authority aforesaid, That this Act shall continue in Force, for and during Three Years, from and after the

passing thereof, and till the End of the next Session of Assembly, and no longer.

CHAPTER XV.

An Act to encourage the Importation of British Copper Half Pence, and for making them a Tender for the Payment of small Debts.

(Printed in Private Acts, *post.*)

CHAPTER XVI.

An Act to appoint Commissioners to Build a Prison, Pillory, and Stocks, on the Lot whereon the Court House now stands, in Duplin County.

I. Whereas the Prison in the County of Duplin being lately burnt Down, and it being necessary a new Prison should be erected in said County;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Hon. John Sampson, Esquire, Felix Kennan, Esquire, and Mr. David Thompson, be, and are hereby appointed Commissioners; and they or the Majority of them, shall and may, and they are hereby required, within Six Months after the passing of this Act, to agree and contract with Workmen for the Building and erecting a new Prison, Pillory and Stocks, in and for the Use of the County aforesaid, on the Lot whereon the Court House now stands; And if any of the Commissioners appointed by this Act should die, remove out of the County, or refuse to act, the remaining Commissioners shall appoint another Commissioner or Commissioners, in the Room or Stead of such Commissioner or Commissioners so dying, removing, or refusing to act; and the Commissioners so appointed shall have the same Powers as the Commissioners appointed by this Act.

III. And whereas there is a considerable Sum of Money belonging to the said County in the Hands of the Sheriff, unappropriated; Be it further Enacted, by the Authority aforesaid, That the said Commissioners shall and may demand and receive, of and from the Sheriff of the County of Duplin, so much Money, not exceeding one Hundred and Twenty Pounds, as they shall think necessary, for compleating the Buildings aforesaid; and shall by the said Commissioners be applied to the Discharge of their Contracts for the Building and finishing the same.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, after the Buildings aforesaid shall be erected and finished, shall render an Account of the Monies by them received of the Sheriff by Virtue of this Act, together with that of their Disbursements, to the Inferior Court of Duplin County, for the Inspection and Approbation of the Justices thereof.

CHAPTER XVII.

An Act to continue an Act, entituled an Act to amend an Act entituled, An Act for the Regulation of the Town of Wilmington.

(Printed in Private Acts, *post.*)

CHAPTER XVIII.

An Act for declaring certain Lots in the Town of New Bern, taken up by the Trustees for promoting the Public Schools in the said Town, saved and improved according to Law; and to empower the said Trustees to collect the Subscriptions due to the said School. Expunged.

CHAPTER XIX.

An Act for destroying Crows and Squirrels in the several Counties therein Mentioned. Expunged.

CHAPTER XX.

An Act for altering the Times of holding the Inferior Courts of the Counties therein Mentioned.

I. Whereas, the Days heretofore appointed by Law for holding the Inferior Courts in the Counties of Rowan, Anson, Granville, Halifax, and Hertford, have been found Inconvenient for those whose Business it is to attend such Courts:

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the Passing of this Act, the Inferior Courts of Pleas and Quarter Sessions for the several Counties aforesaid shall be held on the Days following, instead of the Days heretofore appointed for holding such Courts, to wit, Anson, on the Second Tuesday in January, April, July and October; Granville, on the Third Tuesday in January, April, July, and October; Rowan on the Second Tuesday in February, May, August, and November; Hertford on the Third Tuesday in February, May, August and November; Halifax on the Third Tuesday in February, May, August, and November, in each Year, for and during the space of Four Years, and from thence to the End of the next Session of Assembly, and no longer; any Thing Contained in any Act of Assembly, passed this present, or any Former Session to the contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That all Actions, Suits, Writs, Process, Petitions, Indictments, Informations, and presentments whatsoever, heretofore commenced in, issued from, or returnable to, the respective Courts aforesaid, the Time for holding of which is altered by this Act, shall be, and are hereby continued to the Particular Days and Times hereby appointed: And all Subpoenas for Witnesses, and Recognizances for the Appearance of Persons at the said Courts, shall be as Effectual as if the Particular Days for holding any of the said Courts had been mentioned therein; and the Persons summoned as Witnesses, and entering into such Recognizances, shall, be bound to appear accordingly.

IV. And whereas some Doubts have arisen whether certain Inferior Courts within this Province, not named in an Act, entitled, An Act to amend and continue an Act, entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, are continued by the said Act; Be it therefore Enacted, by the Authority aforesaid, and it is hereby declared, That the said Inferior Courts of Pleas and Quarter Sessions within this Province, not named in the Aforesaid Act, and all Pleas, Process, and Proceedings therein, of what Nature or Kind soever, are, and shall be continued to the respective Days and Times for holding the same,

specified in An Act entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, for and during the Continuance of the said Act herein last mentioned: And that all proceedings heretofore had in such Inferior Courts, held on the respective Days and Times so specified as aforesaid, are hereby declared Valid, to all Intents and Purposes, as if the same Courts had been expressly mentioned in the said Act herein last Mentioned.

V. And be it further Enacted, by the Authority aforesaid, That so much of an Act of Assembly, entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province; and of another Act, entitled, An Act to amend and continue an Act, entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province; as comes within the Purview of this Act, is, and shall be from Henceforth repealed and made void.

CHAPTER XXI.

An Act for making Provision for the Payment of the Forces raised to suppress the late Insurrection on the Western Frontiers, providing for the Public Claims, and for the more easy Collecting the annual Taxes of Government.

I. Whereas from a late dangerous Insurrection in the Western Frontier Counties in this Province, for the Suppression whereof his Excellency the Governor was obliged to raise Detachments of the Militia, a large Debt is become Due for the Payment and subsistence of those Troops; and the great Scarcity of Money rendering it impossible to raise a Sufficient Sum to pay off that Debt, or to discharge the large Sums due from the Public, for running the Dividing Line between this Province and The Indian Hunting Grounds, and other Claims on the Treasury; it is but Just and equitable that those Troops, as well as the other Creditors of the Public, should have their Demands secured by Certificates on the Public Treasury.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Persons herein after Named may, and they are hereby authorized and impowered, to make and Sign Certificates or Notes, on the Public Treasury, of such Denominations as they shall think convenient not exceeding the amount of Twenty Thousand Pounds, Proclamation Standard.

III. And for discharging the same, Be it Enacted by the Authority aforesaid, That a Poll Tax of Two Shillings, Proclamation, shall be levied on each Taxable Person in this Province, to commence for the Year One Thousand Seven Hundred and Seventy One, and continue until the Sum for the above mentioned Certificates be fully raised; which Tax shall be paid into the Public Treasury, annually, by the Sheriffs; under the same Penalties, Rules, and Restrictions, and with the same Allowances, as for other Public Taxes, either in the Commodities as herein after rated, Proclamation Bills, or Gold and Silver; and the Produce of the said Tax shall be applied in Payment of the said Certificates; which Certificates shall be in the Form Following, viz:

"The Province of North Carolina is indebted to the Possessor hereof — Proclamation Money, to be paid out of the Public Treasury, on Demand, at any Time after the Tenth Day of June, One Thousand Seven Hundred and Seventy Two, according to Act of Assembly, passed December, 1768."

IV. And be it further Enacted, That the Honorable James Hasell, and Lewis de Rosset, Esquires, Richard Caswell, and Thomas Clifford Howe,

Esqrs., shall make and sign the Certificates, in the Form aforesaid, to the Value afore mentioned, for which they shall be allowed One Per Cent. and after Making and signing the said Certificates, they shall forthwith deliver the same to the Public Treasurers; who are hereby ordered and impowered to give and deliver to such Person or Persons respectively, to whom the Public shall stand Indebted at the Time of passing this Act, so much in Value in the said Certificates as shall amount to their respective Demands, to serve as a Testimony and Security of the Debt so due, till the same shall be paid off and discharged, by the Taxes as herein ordered to be levied and collected for that Purpose.

V. And the better to enable the Industrious Poor of this Province to discharge their annual Taxes (except the sinking Taxes heretofore laid) Be it Enacted, by the Authority aforesaid, That Inspectors Promissory Notes or Receipts for the following Commodities, being Good and merchantable, and Inspected and passed as such, at the Inspections by Law established, shall be received by the Sheriffs, or other Collectors of the Public Taxes, in Discharge of such Taxes, at the rates following, viz.: Tobacco at fifteen Shillings per Hundred Weight; Hemp, entitled to a Bounty of Forty Shillings per hundred Weight; Rice, at Twelve Shillings per hundred Weight; Indigo, at four Shillings per pound; Bees Wax at one shilling per pound; Myrtle Wax, at eight Pence per Pound; Tallow at Six Pence per pound; Indian dressed deer Skins, not weighing less than one pound each, at two shillings and six pence per pound. And all Sheriffs, and other Collectors of Taxes, are hereby required to receive such Inspectors Notes, from any Person offering the same in Payment of Taxes, (except on the sinking Taxes herein before excepted) at the Rates above specified, so that they be tendered between the first day of January and the Tenth day of March, in each Year, and not after; and so that the Commodity for which the Inspectors Promissory Note, so tendered, was given, shall have been duly inspected and passed within Three Months of the Time of tendering the same to the Sheriff or collector; And every such Officer who shall receive any such Inspectors Notes for Taxes, shall, at the First Court for his County after the Tenth Day of March, in each Year, on the second Day of the Court, between the Hours of Twelve and three O'clock in the afternoon, due Proclamation thereof being first made, expose to sale at Public Vendue, at the Court House Door, all such Commodities as he shall have received in Virtue of this Act, for the Most that can be got for the same; And at the Time by Law appointed for settling with the Public Treasurer of his District, such Sheriff shall pay over to the said Treasurer, the Monies arising from such Sale; and also to deliver to him an Authenticated Account of the Number of Poll for whose Taxes he received the said Commodities, with the Account of the Sales of the same.

VI. And be it further Enacted by the Authority aforesaid, That the said Honorable James Hasell, and Lewis DeRossett, Esqrs., Richard Caswell and Thomas Clifford Howe, Esqrs., shall, before they make and sign any of the Certificates aforesaid, enter into Bond, with sufficient Securities, to our Sovereign Lord the King, in the Sum of Twenty Thousand Pounds Sterling, with Condition for their honest, true, and faithful Discharge of the Trust aforesaid; and that they will not make and sign any other, or to a greater Amount of the said Certificates, than is herein before directed; and shall also make Oath, on the Holy Evangelists, before some Magistrate, to the same Purpose; which Bond shall be lodged in the Secretary's Office, and shall not be void on a First Recovery, but may be put in Suit on every different Breach of the Condition Thereof; And if any Person shall make and

sign any Certificates in the Likeness and Similitude of those by this Act appointed, or in any Manner alter, counterfeit, or forge any such, or shall pass, or attempt to pass, any such altered, forged, or counterfeit Certificates, Knowing it to be such, shall, on Conviction thereof, be deemed a Felon, without Benefit of Clergy, and shall be adjudged and suffer accordingly.

Signed by

WILLIAM TRYON, ESQ., Governor.

James Hasell, President.

JOHN HARVEY, Speaker.

Read three times and ratified in open Assembly, the 5th day of December, 1768.

LAWS OF NORTH CAROLINA, 1769.

At an Assembly, begun and held at New Bern, the Twenty third Day of October in the Ninth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and in the Year of Our Lord One Thousand Seven Hundred and Sixty nine: Being the first Session of this Present Assembly.
William Tryon, Esq., Governor.

CHAPTER I.

An Act for appointing an Agent to solicit the Affairs of this Province at the several Boards in England.

(Printed in Private Acts, *post*).

CHAPTER II.

An Act for confirming the Qualification of Henry Lockey, Sheriff of Beaufort County.

(Printed in Private Acts, *post*).

CHAPTER III.

An Act to encourage the destroying of Vermin in the several Counties therein mentioned. (a).

I. Whereas the Counties of Mecklenburg, Rowan, Tryon, Carteret, Bute, and Granville, are much infested with Wolves, and other Vermin, to the great Prejudice of the Inhabitants:

II. Be it Enacted by the Governor, Council, and Assembly and by the Authority of the same, That every Person who shall kill any of the Vermin herein after mentioned, within Ten Miles of any settled Plantation in any of the said Counties, shall be entitled to a Claim on the County where such Vermin shall be killed, to the several Rewards as follows: For every Wolf, Seven Shillings and Six pence. And for every Panther, Seven Shillings and Six Pence; to be paid as herein after directed.

III. And be it further Enacted, by the Authority aforesaid, That any Person who shall have a Claim for killing any of the aforesaid Vermin, are hereby directed to produce the scalp of the aforesaid Vermin with both Ears before a Magistrate, who is to administer an Oath to such Person Claiming the same, that it was taken and killed within the Bounds of such County where the Claim shall be made: And if any Slave or Indian that shall kill any Vermin, of which the Head or Scalp shall be produced as aforesaid, the Master or Owner of such Slave or Indian, or he that makes claim for such scalp or scalps, in behalf of any slave or Indian, shall make Oath before such Magistrate, that he verily believes the same was taken and killed within the County wherein the same was claimed; which Oath being administered, the Magistrate is hereby directed to give a Certificate for the same, and immediately cause such Scalp to be destroyed.

IV. And be it further Enacted by the authority aforesaid, That any Per-

son having a Certificate from any such Magistrate, shall, upon producing the same to the Court of the County where such Certificate was obtained, be entitled to the Sum or Sums due upon such Certificate; which several Sums so paid, shall be allowed by the Court, out of the County Tax.

V. And be it further Enacted, by the Authority aforesaid, That the several Justices of the Inferior Courts of Pleas and Quarter Sessions within the said Counties, are hereby required, authorized, and impowered, to lay a Tax on the several Taxable persons within their respective Counties for discharging the said Claims.

VI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force, for and during the Term of Two Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IV.

An Act to impower the Justices in the several Counties therein Mentioned to establishing free Ferries and Bridges in their respective Counties; and lay a Tax for defraying the Charges thereof.

I. Whereas by Reason of the several Rivers running through the Counties of Hertford, Pasquotank, Rowan, Mecklenburg, Pitt, and Tyrrel, the Ferries and Bridges over which it is necessary for many of the Inhabitants to pass, to attend the Courts and other Public Meetings at the Court Houses in the said respective Counties, are expensive and Burthensome to such Inhabitants:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of the said respective Counties or any seven or More of them, be and are hereby impowered to agree with the Owner or Owners, Keeper or Keepers of any Ferry or Ferries, Toll Bridge or Bridges, within their respective Counties, as they shall think necessary, for such Sum or Sums of Money as shall appear to them reasonable, to set over such Ferry or Ferries, or let pass over such Toll Bridge or Bridges any of the Inhabitants of the said respective Counties requiring the same, free from any Charge whatsoever, on any of the Days of the sitting of the Courts, Election of Members of Assembly, or Vestrymen, Meeting of the Vestry, or General Musters of the said Counties.

III. And be it further Enacted, by the Authority aforesaid, That the Justices of the said Counties are hereby authorized and required, Yearly, and every Year, at the same Time that they lay the County Levy, to lay a Tax not exceeding Six Pence, Proclamation Money, on each and every Taxable Person in their respective Counties, to be collected and accounted for by the Sheriffs with the Justices of the respective Counties in the same Manner as other County Taxes, and by them applied to the Discharge of the several Contracts to be made in Virtue of this Act; and the overplus (if any) to the Contingent Charges of the County.

IV. And be it further Enacted by the Authority aforesaid, That each and every Ferryman, Owner or Owners of any such Toll Bridge or Bridges, with whom the Justices shall agree as aforesaid, shall be and they are hereby obliged to set over, Ferriage Free, or suffer to pass over such Toll Bridge or Bridges, without Toll, any of the Inhabitants of the respective Counties, on the Days and Times aforesaid; under the Penalty of Twenty Shillings, Proclamation Money, for every Offence; to be recovered by the Party grieved, before any Justice of the Peace, and applied to his Own Use,

V. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said respective Counties, to take Bond and Security of all such Ferry Keepers or Owners of any Toll Bridge or Bridges, with whom they shall agree as aforesaid, in the Sum of Twenty Pounds, for the Due and faithful Performance of the Duty enjoined them by this Act.

VI. And be it further Enacted, by the Authority aforesaid, That the Ferry crossing the Yadkin River, where the Trading Path crosses below the Island, where the Ferry is now kept in Rowan County, be, and is hereby declared to be a Public Ferry; and that no other Ferry shall be kept on the said River within Four Miles above or below the same.

VII. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Ten Years, after the passage thereof, and from thence to the End of the next Session of Assembly, and no longer.

LAWS OF NORTH CAROLINA, 1770.

At an Assembly begun and held at New Bern, the Fifth Day of December, in the eleventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Seventy; being the first Session of this present Assembly. *William Tryon, Esq.*, Governor.

CHAPTER I.

An Act for Preventing Tumults and Riotous Assemblies, for the more speedy and effectual punishing the Rioters, and for restoring and preserving the Public Peace of this Province.

(Printed in Private Acts, *post*).

CHAPTER II.

An Act to encourage the further Settlement of this Province.

(Printed in Private Acts, *post*).

An Act for founding, establishing, and endowing of Queen's College, in the Town of Charlotte, in Mecklenburg County.

(Printed in Private Acts, *post*).

CHAPTER IV.

An Act for an Addition to, and Amendment of an Act, entitled, An Act for Appointing a Militia.

I. Whereas there are in divers parts of this Province several of the People called Quakers, who demean themselves in a quiet and Peaceable Manner, and from a religious Principle, are conscientiously scrupulous of bearing Arms, or appearing or answering to their Names in Muster Fields, and therefore subject to many Fines and Distresses to be made upon their Goods, to their great Hurt and Prejudice: For the Relief of such,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the People called Quakers shall not be obliged to appear and muster at any general or Private Muster within this Province, nor be liable to any Fines or Penalties for not appearing and mustering; any Law, Usage, or Custom to the contrary, notwithstanding.

III. Provided nevertheless, and be it Enacted by the Authority aforesaid, That the Colonel or Chief Commanding Officer of the Militia in every County shall list all Male Persons of the people called Quakers, between the age of Sixteen and Sixty, within his County, under the Command of such Captain as the Governor, or Commander in Chief for the Time Being, shall think fit; And if upon any Invasion or Insurrection, the Militia of the Counties to

which such Quakers belong shall be drawn out into actual service, and any Quakers so enlisted shall refuse to serve, or provide an able and sufficient Substitute in his Room, if thereto required by the Colonel, or Chief Officer of the Militia of his County; in such Case, every Quaker so refusing to serve, or provide a Substitute as aforesaid, shall forfeit and pay Ten Pounds; to be recovered before any Justice of the Peace of the County, upon Complaint of the Colonel or Chief Officer; and to be levied by Distress and Sale of the Estate of the Quaker so refusing; which Sum shall be applied, by the said Colonel or Chief Officer, towards providing a Substitute in the Room of such Quaker, upon whom the same shall be levied as aforesaid.

IV. Provided always, That the Number of Quakers required by the Colonel or Chief Officer of any County to serve, or find Substitutes as aforesaid, shall not exceed the Proportion the whole Number of Quakers bear to the whole Number of Militia upon the Muster Rolls of the said County.

V. Provided also, and be it further Enacted by the Authority aforesaid That no man under the Denomination of a Quaker shall be exempted from Musters and bearing Arms, or from paying such Fines and Forfeitures as by Law inflicted, in Case of Refusal or Neglect, without producing, if required by the Colonel or Chief Officer of the Militia, a Testimonial or Certificate from the Monthly Meeting, that he is considered and excepted a Member of that Society.

VI. Whereas by the before recited Act, Sundry Fines are directed to be paid by Persons who neglect or refuse to appear at Musters, or on Call or alarm given, to appear at such Times and Places as shall be appointed; and there being no Provisions made in the said Act, or by whom the Fines are to be Paid, of such Persons who are under age, or are Apprentices or Servants: Be it therefore Enacted by the Authority aforesaid, That the Father or where there is no Father living, the Mother of each and every Person under the age of Twenty One Years, shall be liable to the Payment of the Fines becoming due from their respective sons so under age; and the master, and where there is no master, the mistress of all such Apprentices and Servants shall be liable to the Payment of Fines becoming Due from their respective Apprentices and Servants; and shall and may be Proceeded against by the Officers of the Militia to recover the same, in the same Manner as is directed by the said Act against other Persons for the Recovery of the Fines imposed by the said Act.

VII. And be it further Enacted, by the Authority aforesaid, That no Person whatsoever shall be obliged to appear at any General or Private Muster, until he has been an Inhabitant of this Province Six Months; any Thing in the before Recited Act to the contrary notwithstanding.

VIII. And be it further Enacted, That this Act shall continue and be in Force for and during the Space of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER V.

An Act to Ascertain Attornies Fees.

I. Whereas it is necessary to ascertain what Fees Attornies may lawfully take and receive for their Trouble in conducting Causes in the respective Courts in this Province:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same That it shall and may be lawful for each and

every Attorney at Law to take and receive from their respective Clients, the following Fees, to-wit: £. s. d.

For every Action in the Superior Court, except where the Title or Bounds of Lands come in Question the sum of.....	2	10	0
For every such Action in any Inferior Court.....	1	5	0
For every real Action, or such as respects the Title of Lands	5	0	0
For every Petition for the Recovery of Legacies, filial Portions, or Distributive Shares of Intestates Estates, if in the Superior Court	3	10	0
If in the Inferior Court.....	1	15	0
For every Opinion or Advice in Matters cognizable in the Superior Court where no suit is or shall be brought, or prosecuted or defended by the Attorney giving such Advice, but not otherwise	1	0	0
For every Opinion or Advice in Matters cognizable in the Inferior Court, where no suit is or shall be brought and prosecuted or defended by the Attorney giving such advice but not otherwise	0	10	0

And every Lawyer exacting, taking, receiving, or demanding, any greater Fee, or other Reward, for any of the above Services, shall forfeit and pay Fifty Pounds for every Offence; one Half to our Sovereign Lord the King towards defraying the Contingent charges of Government, and the other Half to the Person who shall sue for the same; to be recovered by an Action of Debt, in any Court of Record in this Province, having Cognizance thereof.

III. And be it further Enacted, by the Authority aforesaid, That the Clerk of each respective Court within this Province is hereby directed and required to tax in every Bill of Costs, where an Attorney shall have been actually employed by the Party who shall recover, or be otherwise entitled to receive, such Fee as is by this Act allowed, and no more.

IV. And be it further Enacted, That if any Attorney, in any Superior or Inferior Court, shall wittingly or willingly be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, on Complaint and Proof thereof made within Six Months after such Neglect, shall have full Power and Authority to order such Attorney to pay all Costs occasioned by such Neglect. And every Bill, Bond, Promise, or other Engagement, of what Denomination soever, for the Payment of any other Larger Fees than before enumerated, shall be utterly Void and of no Effect; any Usage to the contrary notwithstanding.

V. Provided nevertheless, That it may be lawful for any Person, after the Determination of his Suit, to make his Lawyer a Larger Compensation for his Trouble, if he thinks he has merited the same; any Thing herein contained to the contrary notwithstanding.

CHAPTER VI.

An Act to amend an Act, entitled, An Act for appointing Sheriffs, and directing their Duty in Office.

I. Whereas many Hardships and Inconveniences have arisen from Sheriffs leaving this Province before they had accounted for the Public, County, and Parish Taxes, whereby their Securities have become liable

for the Same; and no Provision having been made in the said Act for the Relief of such Securities:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That every Sheriff who hath already removed himself, or hereafter may remove himself out of this Province, and shall have not accounted for the Public, County, and Parish Taxes, whereby the Securities of such Sheriffs have or may become liable for the same, it shall and may be lawful for such Securities, their Heirs, Executors, or Administrators, to receive and collect all the Arrears of Taxes which ought to have been collected by such Sheriffs, and if any Person or Persons, liable to pay such Taxes, shall or may fail to Pay the same to the Sheriffs, Securities as aforesaid, it shall and may be lawful for such Securities, their Heirs, Executors, or Administrators, to make Distress for all such Arrears of Taxes, in the same manner as Sheriffs are by Law impowered to distrain.

III. Provided always, That no such Distress shall be made until Public Notice be first given to the Inhabitants of the County, by advertising the same at the Court House, and several Chappels, within said County, at least one Month next before such Distress is intended to be made.

CHAPTER VII.

An Act to prevent the Exportation of Unmerchantable Commodities.

I. Be it Enacted by the Governor, Council, and Assembly, and by the authority of the same, That from and after the Time Inspectors are to be appointed by Virtue of this Act, no Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, tanned Leather or Deer Skins, shall be exposed for sale for Exportation, or any Indigo paid in Discharge of Taxes, until the same shall be duly Inspected, under the Regulations herein after expressed; and the Justices in the Inferior Court in every County within this Province, are hereby authorized and required, at the First or Second Court to be held in each County, after the passing of this Act, and on the first Court in each County, respectively, which shall be held next after the first Day of January in each Succeeding Year, to nominate and appoint, in open Court, one or more fit or proper Person or Persons, residing in the said County, to attend at such Times and Places as are by this Act appointed and directed (except at Wilmington in New Hanover County, where there shall be Two Inspectors, and no more) to inspect all such Hemp, Flax seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, tanned Leather and Deer Skins, and Indigo, within the respective Counties, according to the Directions of this Act: And every Inspector so appointed, shall, before he enters upon or executes his Office, enter into Bond with Two or More good and sufficient Securities, in the Penalty of Five Hundred Pounds Proclamation Money, for the true and faithful Discharge of his Office, according to the Directions of this Act (which Bond and Securities every such Court respectively, is hereby impowered and required to demand and take, and cause to be acknowledged before them in open Court, and recorded) which Bond shall be made payable to the Governor or Commander in Chief for the Time Being, and shall be in Force for the Term of Three Years after such Inspector shall be out of Office; and that in the Name of the Governor or Commander in chief for the Time being, any Person or Persons injured, may and shall, at his, her or their costs and Charges, commence and prosecute a Suit or Suits on such Bond against the Parties therein bound, their Executors or

Administrators, and shall and may recover all Damages which he, she, or they, may have sustained by Reason of the Breach of the Condition thereof; and the said Bond shall not become void upon the first Recovery, or if Judgment shall be given against any Plaintiff or Plaintiffs who shall sue on such Bond, but may be put in suit, and prosecuted from Time to Time, for the Benefit of the Party or Parties Injured, until the Whole Penalty expressed in such Bond shall be recovered. Provided always, That if any Verdict or Judgment shall pass for such Inspector, or his Security, the Person or Persons at whose Instance such Suit shall be prosecuted, shall pay Double Costs; and every such Inspector shall also take the following Oath, to-wit:

I, A. B. do swear that I will faithfully, impartially, and diligently, execute the Office of Inspector, and that I will not, for favour, Affection, Prejudice, or Partiality, brand for any Person whatsoever, any Flax Seed, or any Barrel of Pork, Beef, Rice, Flour, Tar, Pitch, or Turpentine, Cask or Firkin of Butter, Barrel or Case of Indigo; or pass any Staves, Heading, shingles, Lumber, Tanned Leather, or Deer Skins other than such as are declared lawful by an Act of Assembly entitled, An Act to prevent the Exportation of Unmerchable Commodities, according to the Best of my Skill and Judgment. So Help Me God.

II. And be it further Enacted, by the Authority aforesaid, That the Inferior Courts of the respective Counties shall be, and are hereby authorized and impowered, at any Time, to discharge any Inspector from his said Office who shall misbehave himself, and act contrary to his Duty therein; the Party complaining giving such Misbehaving Inspector Ten Days Previous Notice, in Writing, of the Complaint against him, with the Particulars thereof; and at the Death or on the Disability of any of them, to appoint another to succeed such Dead, or disabled, or misbehaving Inspector; and if any such Death should happen in the Vacation of such Courts, it shall then be lawful for any Three Justices of such Court, whereof the Chairman, or first in Commission who has qualified shall be One, to nominate and appoint some other fit and proper Person as Inspector, till the next succeeding Court for such County: Or if any Inspectors shall be rendered incapable of performing his Duty by Sickness, or other Accident, it shall then be lawful for the Inspector so disabled, or rendered incapable of performing his Duty as aforesaid, by and with the Consent of Three Justices to appoint some other Person as an Assistant, during the said Inspectors Sickness or other Disability; which consent shall be certified under their Hands, and lodged with the Clerk of the Inferior Court of the County wherein the Inspector Resides; and the Persons so appointed shall take the same Oath as Inspectors appointed by the Courts; and the Inspector shall be liable to the same Fines and Penalties for the said Assistants bad conduct and His behavior, as he is liable to for his own.

III. And be it further Enacted, by the Authority aforesaid, That the Places and Landings hereafter mentioned, shall be, and hereby appointed for the Inspection of Flax Seed, Pork, Beef, Rice, Flour, Indigo, Butter, Tar, Pitch and Turpentine, Staves, Heading, Lumber and Shingles; to which Places all the said Commodities, before sold or exported, shall be brought, examined, and inspected, according to the Directions herein after mentioned; that is to say, In New Hanover County, at the Town of Wilmington, and New Topsail Sound. In Brunswick County, at the Town of Brunswick. In Onslow County, at Bear Inlet, New River, at Week's, Todd's, and French's Landings, and Bogue Inlet. In Carteret County, at Beaufort Town, Fort Point, and Portsmouth. In Craven County, at New Bern Town, Clubfoot's Creek, and Lower Broad Creek. In Beaufort County, at Bath Town, James

Bonner's, Warrick's Landing, and Maul's Mill. In Pitt County, at William Spiers, Simpson's, at Tyson's Landing, at the Red Banks, and Salter's. In Hyde County, at Wood Stock Town, Wysocca, the Mouth of Pantego Creek, and Sylvester's Landing. In Tyrrel County, at Hog Town, Mill Landing, Gardner's, Dayley's, Welch's Creek, Kindrick's Creek, Scuppernong River, Squawasque, Little Alligator, Richard Lurry's, Meacon's Landing, Hill's Landing, and Dawson's. In Chowan County, at Edenton, Old Town Landing, Bennett's Creek, at the Bridge, and John Simon's Landing, and at Thomas Ward's, Senior's, Landing. In Bertie County, at Salmon's Creek, Maul's Haven, on Roanoke River, at Windsor and at Lockhart's and Whitmill's Landings. In Hertford County, at the Warehouse on Chowan River, Vantpelt's, Wycacon's Creek, and Catharine's Creek, Hill's Ferry, Murphey's Landing, and Manney's landing, Bennet's Creek Bridge, at Mount Sion and Winton. In Northampton County, the Pitch Landing, Pace's Warehouse, Jones' Warehouse, and the place where Ragland's Warehouse formerly stood. In Halifax County, at Whitmel Hill's plantation, at Kahuky, Barnes Landing, Mr. Blake Baker's Landing, and the town of Halifax. In Edgecomb County, at Tarborough Town. In Perquimans County, at Cypress Bridge, at Hertford, Saunder's Landing, up the Narrows, John Barrow's, Yopin's Creek, at Seth Sumner's Landing, at Little River Bridge, Sanderson's Landing, Benjamin Harvey's Landing, at John Barcliff's on Deep Creek, at Capt. Joseph Sutton's on Sutton's Creek. In Pasquotank County, at Nixonton, at McKell's, at Newbegun Creek, at Windfield, at the Narrow's of Pasquotank River, at the Mouth of the River, at Seaburn's Landing, North River, Plank Bridge on Sawyer's Creek, at Aranuse, and at River Bridge. In Currituck County, the South Side of Tulley's Creek Bridge, at Joseph Saunders, at Moyock, at Indian Town Bridge, at Chiconocumick, at Thomas Pain's Landing, the Head of Tulley's Creek Bridge, at Etheridge's Creek, and Currituck Court House. In Dobbs County, at Fellow's Ferry, Shepherd's Landing, on Contentney, and Kingston. In Cumberland County, at Campbleton.

IV. Provided nevertheless, That any Person or Persons, having at any Landing which is not by this Act appointed a Place of Public Inspection, a Quantity of Merchandise for Exportation, and being desirous to ship the same directly on board a Vessel for Exportation, from such Landing, it shall and may be lawful for such Person or Persons intending to ship and export the said Merchandise as aforesaid, to call any Inspector; who is hereby required to inspect and brand the same, under the Rules and directions herein Mentioned; any Thing in this Act contained to the contrary notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That where any such inspection shall be appointed by this Act, to be held in any Town, that sends a Representative to the Assembly, the Inferior Court of the County wherein such Town is, shall not nominate or appoint any other Inspector or Inspectors for any such Inspection, but such Person or Persons who shall, during his continuance in said Office, reside in such Town.

VI. And be it further Enacted, by the Authority aforesaid, That no Master or Commander of any Ship or Vessel shall take on Board his Ship or Vessel any such Cask or Barrel, or other inspectable Commodity as aforesaid, without being inspected and branded, as by this Act required, under the Penalty of One Hundred Pounds, for each Offence; one Half to the Informer, and the other Half to the Church Wardens of the Parish where in the Offence shall be committed, to the Use of such Parish; to be recovered with

Costs, by Action of Debt, Bill, or Plaint or Information, in any Court of Record, having Cognizance thereof.

VII. And be it further Enacted, That no collector shall enter any Ship or Vessel before the Master or Commander of such Ship or Vessel shall have taken the following Oath, to-wit:

You shall swear that you will not, this present Voyage, export in the Ship or Vessel whereof you are Master or Commander, any Flax Seed, Barrel of Pork, Beef, Rice, Flour, Cask or Firkin of Butter, Tar, Pitch, or Turpentine that shall not have an Inspector's Brand thereon, or any Tanned Leather, without an Inspector's stamp thereon according to Law, except such as shall be necessary for the Vessel's Use. So Help You God.

Which Oath the Collector of the Port, or his Deputy, is hereby impowered and required to administer; and shall take and receive of such Master for administering the said Oath, One Shilling, Proclamation Money; neither shall any Collector clear out any ship or Vessel until the Master shall produce a Certificate or Certificates, from under the Hands of the Inspector or Inspectors, of his Cargoes being inspected agreeable to this Act; under the Penalty of Fifty Pounds Proclamation Money; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by the Church-Wardens of the Parish where such Offence shall be committed, for the Use of such Parish: And in Case any of the said Commodities have been put on Board any Ship or Vessel, without being first Inspected as this Act directs, it shall and may be lawful for any Two Justices, on Information made to them, on Oath, to Issue a Warrant, directed to the Sheriff, or any Constable of any County wherein such Vessel shall be, to cause search to be made on Board such Ship or Vessel; and on finding any such Commodities not inspected according to the Intent and Meaning hereof, the same shall be forfeited, and applied as herein after directed.

VIII. And be it further Enacted, That every Collector or his Deputy, shall grant a Certificate to the Master or Commander of any Ship or Vessel, of his having taken such Oath, under the Penalty of Ten Pounds for each Neglect or Refusal; to be recovered by Bill, Plaint, or Information, in any Court of Record in this Province; the One Half to him or them who shall sue for the same, the other Half to the Church Wardens, for the Use of the Parish where such offence shall be committed; for which Certificate the Collector shall and may receive Two Shillings and Eight Pence.

IX. And be it further Enacted, That every such Inspector shall constantly attend at the Places for which he shall or may be appointed, at such Times as required for the Inspection of the said Commodities within his District. and shall provide an Iron to brand any of the Commodities, bearing the Name of the Inspector, and his Place of Residence: And if any Inspector, so appointed and sworn, shall neglect his Duty, or Brand or Stamp any of the Commodities contrary to this Act, or brand any Empty Barrel, or lend his Brand to any Person or Persons whatsoever, he shall forfeit and pay, for every Cask of Flax Seed, and for every Barrel, Box or Case of Indigo, Five Pounds; for every Barrel of Pork, Beef, Rice, Flour, Cask or Firkin of Butter, Three Pounds; for every Barrel of Tar, Pitch or Turpentine, Ten Shillings; and for branding any empty Barrel, or lending his Brand, Forty Pounds, Proclamation Money; to be recovered by Action of Debt, before any Jurisdiction having Cognizance thereof, with Costs by the Informer: And every other Person or Persons that shall, by any Ways or Means, brand, or procure to be branded, any Cask of Flax Seed, or Barrel, or Half Barrel, Cask, Firkin, or Half Firkin, Box or Case as aforesaid, than by the Inspector, or by his Assistant, he or they so offending, shall forfeit and pay for such Offence, the

same Fines and Penalties as Inspectors are by this Act liable to pay for Breach of their Duty or Misbehavior.

X. And be it further Enacted, by the Authority aforesaid, That all Pork or Beef, packed within this Province for Sale or Exportation, shall be put in good and sufficient new White Oak Casks, which shall not contain more than Thirty One Gallons and an Half, Wine Measure, each Barrel, and Fifteen Gallons and Three Quarts, each Half Barrel; and all Barrels and Half Barrels shall be made of Timber seasoned at least Six Months after the Riving; the Staves not less than half an Inch Thick in the Bilge when Wrought; the Heading not less than Three Quarters of an Inch Thick, and well dowelled; Twelve good substantial Hoops on each Cask, and the whole to be tight, fit to hold Pickle, and Workman Like, and shall contain at least Two Hundred and Twenty Pounds of Good, clean, sound and merchantable Meat, properly sorted, and well salted, with at least half a Bushel of salt to each Barrel and nailed and packed; and no more than Two Heads in one Barrel of Pork; and not any Boar's flesh in any Barrel of Pork; or any Heads, Bull's flesh, or more than Two Shanks, in any Barrel of Beef; And every Cask of Rice shall be filled with sound and well cleaned Rice; and after the same has been inspected, sound, good and merchantable, and passed by the Inspector, every such Barrel shall be by him branded as aforesaid, and a Certificate or Certificates thereof given to the Owner, bearing Date in words at length, the same Day such Commodity or Commodities were inspected and passed; and every Hogshead of Flax Seed shall hereafter contain seven Bushels and one eighth of a Bushel of well cleaned and merchantable Flax Seed.

XI. And whereas Pork, Beef, Rice, Flour, and Butter, may, by Reasons of its being long kept, become not good, sound, merchantable; Be it further Enacted, by the Authority aforesaid, That none of the said Commodities shall be laden or put on Board any Ship or Vessel, if the same have been kept Sixty Days after they have been inspected, until the same shall have been again inspected, and passed by the Inspector, and Certificate or Certificates granted in the same manner as if such commodities had never been inspected; any Thing herein contained to the contrary notwithstanding: And every Person who shall presume to lade or put on Board, or cause to be laden or put on Board, any Ship or Vessel, any Pork, Beef, Rice, Flour, or Butter, for Exportation as aforesaid, any Time after the expiration of Sixty Days from the Time that the same shall have been viewed and inspected as aforesaid, shall forfeit and pay the Sum of Three Pounds, Proclamation Money, for every such Barrel of Pork, Beef, Rice, Flour, and Cask or Firkin of Butter, so laden or put on Board any Ship or other Vessel; to be recovered by Action of Debt, with Costs; one Half to the Informer, and the other Half to the Use of the Parish wherein such Offence shall be committed before any Jurisdiction having Cognizance of the Sum or Sums so forfeited; and the Master or Commander of such Ship or Vessel shall be liable to the same Penalty as for lading Pork, Beef, Rice, Flour, or Butter, without being Branded; and the Justices and Collector shall, and are hereby required, to use the same Method of Proceeding, to compel the Payment of the said Penalty, as is in that Case is before directed to be observed.

XII. And be it further Enacted by the Authority aforesaid, That every Barrel of Pitch or Turpentine shall contain Thirty Two Gallons, and be well filled, free from any Fraudulent Mixture, and in good and sufficient Casks, made of Good seasoned Staves, at least Three Quarters of an Inch thick, and not exceeding Four Inches in Breadth; and in Turpentine Barrels there shall not be any Sap in the Staves, and each to be Hooped with Twelve Good

Hoops, at least, and before it be branded by the Inspector shall be weighed in his Presence; and every Three Hundred and Twenty Two Pounds Weight of such Pitch or Turpentine, including the Cask, and so in Proportion, shall be counted a Lawful Barrel of Pitch or Turpentine; And if any Pitch or Turpentine shall be found by the Inspector to be irraudulently mixed, the same shall be condemned, and forfeited to the Use of the Parish where the same shall be, and may by the Church Wardens thereof be cleansed and sold for such Use; And every Barrel of Tar shall be the Gauge of Thirty Two Gallons, Wine Measure; and every Barrel of Tar of less size, or in Bad or insufficient Casks, fewer than Twelve Hoops, shall be put in Merchantable Order, at the Expence of the Owner; and when full Bound, no more than one Third Part of the Staves shall be left bare; and every Barrel of Tar, Pitch, and Turpentine, after the same shall be inspected, gauged, found clean, well filled, and truly made merchantable, and passed by the Inspector, shall be by him Branded.

XIII. And be it further Enacted by the Authority aforesaid, That every Maker of Pitch, Tar, or Turpentine, shall Mark or Brand, or cause to be Marked or Branded, every such Barrel of Pitch, Tar, or Turpentine, with the Initial letters of his or her Name, not less than one Inch Long, and Breadth in Proportion; under the Penalty of One Shilling, Proclamation Money, for every Barrel as may not be so branded, to be paid to any One who may demand the same, or, on Refusal, to be recovered by Warrant before any single Magistrate; and that no Inspector shall Pass or brand any Barrel or Barrels of Tar, Pitch, or Turpentine, that does not contain full Thirty Two Gallons Wine Measure, and in every other Manner agreeable to the several Rules and Restrictions and under the several Penalties, as are provided for in this Act; And every Inspector shall keep a Book for Beef, Pork, Rice, Pitch, Tar and Turpentine, in which shall be fairly entered the Maker's Name and Mark, the Number of Barrels landed, the Number of Barrels inspected, of the same Mark, the Merchant's or Shipper's Name causing the same to be inspected, and the time of Inspection; and shall give a Certificate of any Parcel to any Person requiring the same, on Payment of One Shilling; And any Person failing or neglecting to mark his, her, or their Casks, according to the directions of this Act, shall pay one Half Penny per Barrel to the Inspector for marking the same with the Initial Letters of the Maker's Name; which Fee shall be paid by the Person paying the Fees of Inspection, and by him may be charged to the Maker.

XIV. Provided always, That if any Tar, Pitch or Turpentine, shall remain Twenty Days or More, after the same has been inspected and passed, in Manner aforesaid, before the same shall be laden or put on Board some Ship or Vessel for Exportation, it shall not be lawful for the Exporter to lade or put the same on Board any Ship or Vessel as aforesaid, until the same shall have again been inspected and passed by the Inspector, and Certificate or Certificates granted for the same, in the same Manner as if such Commodities had never been inspected; any Thing herein contained to the contrary notwithstanding. And every Person who shall presume to take or put on Board any Ship or Vessel, any Tar, Pitch, or Turpentine, for Exportation as aforesaid, at any Time after the Expiration of Twenty Days from the Time that the same shall have been viewed and inspected as aforesaid shall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every such Barrel so laden or put on Board any Ship or other Vessel; to be recovered by Action of Debt, with Costs; one Half to the Informer, and the Other Half to the Use of the Parish wherein such Offence shall be Committed, before any Jurisdiction, having Cognizance of the sum or Sums of Money so for-

feited; And the Master or Commander of such Ship or Vessel shall be liable to the same Penalty as for lading Beef, Pork, Rice, Tar, Pitch, or Turpentine, without being branded; and the Justices and Collectors shall, and are hereby required, to use the same Method of Proceeding to compel the Payment of the said Penalty, as is in that Case is directed to be observed.

XV. And forasmuch as it is difficult in warm and rainy weather to separate Tar from Water, It is hereby declared, That Water shall not be accounted a Fraudulent Mixture in any Tar; But that in such Cases, the Barrel shall not be branded by the Inspector, until the same is as free from Water as it can be made; any Thing herein contained to the contrary notwithstanding.

XVI. And whereas also it is difficult for Merchants, and other Persons, buying Quantities of Pork, and Beef, to get good Casks to put it in; It is hereby Enacted, That from and after the passing of this Act, no Cooper or other Person whatsoever, making Casks, shall expose to sale any Barrel or half Barrel, for the Holding of Pork or Beef, other than such as are by this Act directed to be made for that Use. And every Cooper or other Person making Barrels or Half Barrels, before they deliver or expose the same to Sale, shall set his or her proper Brand upon every Barrel or Half Barrel; which Brand he or they shall cause to be recorded in the Office of the Clerk of the Court of the County where he or they shall reside. And every Cooper, or other Person, exposing to sale any Cask not agreeable to the directions of this Act, shall, for every such Cask, forfeit and pay Six Shillings and Eight Pence, Proclamation Money; and for not recording his Brand, the Sum of Five Pounds, Proclamation Money, one Half to the Church Wardens, for the Use of the Parish where the Offence shall be committed, and the other Half to him or them who shall sue for the same; to be recovered before any Jurisdiction having Cognizance thereof, with Costs, provided the same be sued for within Six Months after the Offence committed; and every Barrel for Tar, Pitch, and Turpentine, shall be branded in Manner aforesaid, by the Cooper, under the Penalty of Five Shillings.

XVII. And be it further Enacted, by the Authority aforesaid, That every Seller or exporter of Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, or Turpentine, packed or filled in this Province, and branded, shall produce the Certificate of the Inspector who inspected the same, and make Oath (or if One of the People called Quakers, then an Affirmation) if required, before a Justice of the Peace, on delivery of the Goods sold or exported that the several commodities intended by him to be sold or exported are the same that were inspected and passed, and do contain the full Quantity mentioned in such Certificate, without embezzling, to his knowledge; which Oath or Affirmation the Justice shall, and is hereby required to certify on the Back of such Certificate, which Certificate the Seller shall deliver to the Buyer, if such Commodities be sold; and the Person exporting such Commodities shall deliver such Certificate to the Master of the Ship or Vessel on board which the same shall be shipped or laden: And if such Seller or Exporter shall neglect or refuse to make Oath or Affirmation, if required, he shall for every such Offence forfeit and pay the sum of Ten Pounds Proclamation Money, to the Informer; to be recovered with Costs, in any Court of Record, by Action of Debt, Bill, Complaint, or Information.

XVIII. And be it further Enacted by the Authority aforesaid, That it may be lawful for every Inferior Court within this Province, wherein there are not Public Warehouses by Law erected, for the Reception and Inspection of Tobacco, at the expence of such County, to erect or rent a Warehouse at or near some public Landing, on a Navigable River or Creek, for the Inspection,

Reception and safe Keeping of all Indigo, at any Time after to be paid, or tendered in payment of Public County, or Parish Taxes; and shall appoint and direct at what Time the Inspector or Inspectors shall attend to inspect and receive the same; And every Inspector that shall be appointed by Virtue of this Act, shall find Laborers equally with the Owner, to assist in weighing the several Commodities he shall inspect and weigh; and also, shall find and provide proper Steelyards or Scales, of the Lawful Standard, for that Purpose.

XIX. And be it further Enacted by the Authority aforesaid, That all Indigo paid in Discharge of Public, County and Parish Taxes, by Virtue of any Law of this Province, shall be first brought to one of the public Warehouses appointed by Act of Assembly for the Inspection of Tobacco, to be erected or rented by Virtue of this Act as aforesaid, and there inspected; And any Inspector of the County wherein such Warehouses are appointed, or shall be erected and rented as aforesaid, on Notice given, shall attend according to the Directions of the Inferior Court, and carefully view and examine such Indigo; and if it is dry, free from Dust, Sand, and every Fraudulent Mixture, and is, in the opinion of such Inspector, good, and merchantable, and such as will entitle the Exporter thereof to the Bounty allowed by Act of Parliament, such Inspector shall weigh the same, and be obliged to deliver to the Person or Persons bringing the same, as many Promissory Notes under the Hand of such Inspector as shall be required for the full quantity of Indigo received by him; which Indigo such Inspector shall carefully secure in Barrels, Boxes or Cases; and the said Promissory Notes, are hereby declared to be current and transferable in payment of all public, County, and Parish Taxes, at the Rate or price of Four Shillings, Proclamation Money, per Pound, and shall be paid and satisfied by such Inspector who signed the same, upon Demand; And every such Inspector shall be obliged, and is hereby required, to pack and secure all Indigo, by him received in Barrels, Boxes, or Cases; and for every Barrel, Box, or Case, by him paid away in Discharge of any Promissory Note or Notes by him given, and containing Two Hundred Pounds weight Nett, and branded with the Gross, Tare, and Nett Weight, and Name of the Inspector, and nailed and secured fit for shipping; there shall be paid by the Person receiving the same, the Sum of Five Shillings and Six Pence, to the Use of such Inspector, and so proportionably for Barrels, Boxes or Cases containing less; and such Inspector shall also have an Allowance of Three per Cent., for all Indigo he shall pay away in Discharge of any such Note or notes for Shrinkage and Waste; And if any Inspector by whom such Note shall be given, shall refuse or delay to satisfy the same when demanded, he shall forfeit and pay for every such Refusal or Neglect, the Double Value of such Indigo so refused or neglected to be paid; to be recovered before any Jurisdiction having Cognizance thereof, with Costs, to the Use of the Party grieved.

XX. And be it further Enacted, That no Tender of Public, County, or Parish Taxes, in Indigo, shall be accounted lawful, unless the payment of the same be tendered in Inspectors Notes as aforesaid; and such Payment be tendered on or before the Tenth Day of March, in the Year that they are or shall be payable.

XXI. And be it further Enacted, That when any Indigo shall be brought to any Inspection, and shall be refused by the Inspector there officiating, the Owner shall immediately sort and separate the bad and unmerchantable from such as is by this Act declared to be good and Merchantable, at the Warehouse where the same was refused; and the Inspector shall receive so

much thereof as in his opinion is good and merchantable, and give a Note or Notes for the same.

XXII. And be it further Enacted, That every Inspector who shall be appointed by Virtue of this Act, to inspect Indigo, shall give constant Attendance at the Times and Places by the Inferior Court ordered and appointed; under the Penalty of forfeiting, to the Party grieved, Five Shillings Proclamation Money, for every Day he shall fail or neglect to attend; to be recovered by a Warrant, with Costs, before a Justice of the Peace, unless good cause shewn for such Neglect or Failure.

XXIII. And be it further Enacted, That if any Person or Persons shall sell or contract for any Indigo, as good and Merchantable, according to the Directions of this Act, and any Dispute shall arise between the Buyer and Seller, concerning the Quality of the Indigo offered or tendered in Discharge of such contract, it shall and may be lawful for the Parties, or either of them, to call the nearest Inspector of the County wherein such Indigo is tendered, or offered as aforesaid; who is hereby required to obey such Call, and inspect the same, and if it is, in the opinion of such Inspector, good and merchantable, and of quality to entitle the Exporter to the Bounty allowed by Act of Parliament, he shall pass the same, or otherwise refuse it; and such Inspector shall be paid for his Trouble, by the Party against whom he shall give judgment, Five Shillings and Four Pence, Proclamation Money.

XXIV. And be it further Enacted by the Authority aforesaid, That if any Person whatsoever shall forge or Counterfeit any Note of any Inspector, or tender in Payment, or expose to Sale, any such Forged or Counterfeit Note knowing the same to be such; or cause to be exported any Hogshead of Flax Seed; or Barrel of Beef, Pork, Rice, Flour, Butter, Tar, Pitch, Turpentine; or barrel, box, or case of Indigo, or expose the same to sale knowing the Brand thereon to be forged or Counterfeited; or shall put or pack any Pork, Beef, Rice, Flour, Butter, Tar Pitch, Turpentine, or Indigo, into any Barrel, Firkin, Box or Case, branded by any Inspector as aforesaid, on Purpose to evade this Act and to sell or Export such Commodity without being inspected, every Person so offending, and being thereof lawfully convicted before any Court of Record, having Cognizance thereof, shall for the first Offence, by Order of such Court, have and receive, on his or her bare back, Thirty Nine Lashes, well laid on, and shall suffer one Month's imprisonment, without Bail or Mainprize; and for the Second Offence shall be adjudged guilty of Felony.

XXV. And be it further Enacted, by the Authority aforesaid, That if any Inspectors Note as aforesaid, shall be casually lost, mislaid, or destroyed, the Person or Persons entitled to receive the Indigo by Virtue of any such Note, shall and may go before any Justice of the Peace, and make Oath, in the Manner by Law directed concerning Inspectors Notes or Receipts for Tobacco being lost, mislaid or destroyed; and thereupon shall have the like Remedy and Relief, and be subject and liable to the same Penalties and Punishments for making false Oaths therein, or producing forged Certificates, knowing the same to be forged, as Persons in the like Cases are by the said Law made liable and subject to.

XXVI. And be it further Enacted by the Authority aforesaid, That all Staves, Heading, Shingles, Boards, Plank, Joists, and Square Timber, which shall be sold, or shipped on Board any Ship or Vessel for Exportation, shall be of the following Dimensions; otherwise shall not be deemed merchantable, and shall be forfeited to the Use hereinafter mentioned, to-wit, Butt Staves, shall be Five Feet nine Inches long, four Inches broad, and an Inch thick on the Heart or thin Edge, and clear of Sap. Pipe Staves, four Feet Eight Inches long, four Inches broad, and Three Quarters of an Inch thick on the

Heart or thin Edge, and free from Sap. Hogshead Staves shall be Three Feet Six Inches long, four Inches broad, and Three Quarters of an Inch thick on the Heart or thin Edge, and Free from Sap. Barrel Staves shall be two Feet nine Inches long, four Inches Broad, and Three Quarters of an Inch Thick on the Heart or thin Edge, and free from Sap, for the European Market; and those to be exported to the Northern Colonies, only Thirty Inches long and of the same Breadth and Thickness with those for the European Market. White Oak Hogshead Heading shall be thirty Two Inches long, six Inches broad, and One Inch Thick on the Heart or thin Edge, and clear of Sap. Barrel heading shall be nineteen inches long, six inches broad, and three quarters of an inch thick on the heart or thin edge, and clear of Sap. Shingles shall be eighteen and a Half Inches long, five Inches broad, and Five eighths of an Inch thick; which said several sorts and Kinds shall be of the Dimensions aforesaid, at the least, and well got of good, sound, and merchantable Timber; And every Board, Plank, and Piece of Scantling, or other Square Timber, being Marked with the Number or more Feet than they contain, shall be forfeited to the Church Wardens, for the Use of the Parish: And no Board or Plank shall be deemed Merchantable, or passed by any Inspector, that is not free from any Split Twelve Inches long, hath no edge less than Half an Inch Thick, and is not free from Holes: That all Deerskins that shall hereafter be exposed to Sale, shall be clean and free from flesh, and the Claws and Skulls taken therefrom, and otherwise merchantable.

XXVII. Provided nevertheless, That no Staves, Heading, Shingles, Boards, Plank, Square Timber, or Deerskins, shall be inspected unless required.

XXVIII. Provided also, That when any Dispute arises between the Purchaser and Seller of any Boards, Plank, or other Lumber intended for the English Market, the Inspectors shall inspect the same, agreeable to the English Act of Parliament, if called on for that Purpose.

XXIX. And be it further Enacted, That when any Dispute shall arise between the Buyer and Seller of any Staves, Heading, Shingles, Boards, Scantling, Plank, or Timber, or Deerskins, as aforesaid, in Respect of the quality, Dimensions, and Quantity thereof, it shall and may be lawful for either Party to call on the nearest Inspector of the County; which Call he is hereby required to obey, to view, inspect and measure the same, and to pass so much thereof as he shall be of opinion is good and Merchantable, according to the Directions of this Act, and refuse the Rest.

XXX. And be it further Enacted, by the Authority aforesaid, That if any Inspector to be appointed by this Act, shall receive or take, directly or indirectly, any Fee, Gift, Gratuity, or Reward whatsoever, of any Person for resigning or giving up his Office of Inspector, he shall not only be forever thereafter disabled from holding or executing the said Office, but for such Offence shall forfeit and pay the Sum of Forty Pounds, Proclamation Money; to be recovered with Costs, in any Court of Record, to the use of the Informer, by Action of Debt, Bill, Complaint, or Information: And every Person offering and paying, directly or indirectly, any Gratuity or Reward whatsoever, to any Inspector to resign or give up his said Office, shall, for his said Offence, be forever disabled from holding the said Office of Inspector in this Province.

XXXI. And be it further Enacted by the Authority aforesaid, That no Person holding any Post or Place of Profit by Deputation, or otherwise, shall be appointed to the Office of Inspector, or shall, during his Continuance therein, be capable of being elected Member of Assembly; And if any Member of Assembly shall accept of the said Office during his being such, he shall be,

and is hereby declared, from thenceforth, to be disabled to serve as a Member of Assembly, and shall not sit, vote, or act in Assembly; but shall be, to all Intents and Purposes, incapable, as if he had never been returned or elected a Member of Assembly; And if any Person shall be appointed to such Office, and shall accept of any Post or Place of Profit after such appointment, he shall be rendered incapable to hold his said Office of Inspector; and the Court shall Proceed to appoint another Inspector, in the Room of such Person taking upon him such Post or Place of Profit, according to the Directions of this Act.

XXXII. And be it further Enacted, by the Authority aforesaid, That every Inspector shall be entitled to the following Fees, to be paid in Proclamation Money, to-wit:

	£.	s.	d.
For every Bushel of Flax Seed.....	0.	0.	1.
For every Barrel of Pork or Beef.....	0.	0.	8.
For every Barrel of Rice inspected.....	0.	0.	8.
For every Barrel of Flour, Cask or Firkin of Butter.....	0.	0.	4.
For every Barrel of Tar, Three Half Pence.			
For every Barrel of Pitch or Turpentine.....	0.	0.	2.
For every Thousand Staves of Heading, reckoning six Score to the Hundred	0.	1.	0.
For every Thousand Shingles.....	0.	0.	4.
For every Thousand Feet, superficial Measure, of Boards, Plank, or Scantling	0.	1.	0.
For every Ton of other Lumber.....	0.	1.	0.
For inspecting and weighing each Deer skin, One Half Penny.			

XXXIII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of each and every Inferior Court within this Province, where there is not a Warehouse already Built, for the Inspection and safe Keeping of Tobacco, and where the same shall be wanting or thought requisite, to lay such Tax on the Taxable Persons within their several Counties as shall be thought sufficient for building any such Warehouse; and shall and may cause the same to be done at such Place, or Places as to them shall be deemed most convenient for the same, and appoint Inspectors for every such Warehouse: Which Inspectors shall be entitled to the same Fees, and liable to the like Fines and Forfeitures, as other Tobacco Inspectors are by Virtue of the Laws of this Province.

XXXIV. And whereas many Commodities not in this Act Mentioned, may hereafter be exported out of this Province; Be it therefore Enacted, by the Authority aforesaid, That whenever any Commodities, not herein Mentioned, shall be exported out of this Province, the Inferior Courts within their respective Counties shall regulate the Inspection thereof, and ascertain the Fees of the Inspector therein: And every Inspector refusing or neglecting to observe such Regulation, or to take greater or other Fees than such as are appointed by his respective Inferior Court, shall be liable to the same Penalties, as are by this Act mentioned for the Neglect or Refusal of his Duty in Inspecting any of the Commodities herein particularly mentioned.

XXXV. And be it further Enacted, by the Authority aforesaid, That the several Fines and Forfeitures by this Act Inflicted, for which no Method of recovery or Application is hereinbefore directed, shall and may be recovered with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Prosecutor, and the other Half to the County wherein such Penalty shall be incurred; to be applied by the Justices of the Inferior Court towards lessening the County Tax.

XXXVI. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Ten Years, after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER VIII.

An Act for further continueing an Act for appointing a Printer to this Province.

I. Whereas the above recited Act will expire with the End of this Session of Assembly; and it being necessary that the said Act should be further continued;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said above recited Act, and every Clause and Article thereof, be, and continue in Force for and during the Term of Three Years, from and after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IX.

An Act for the relief of such Persons who have, or may suffer by their Deeds and mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.

I. Whereas many Persons, through Ignorance of the Law, have neglected to have their Deeds and Mesne Conveyances proved and registered according to the Directions of the several Acts of Assembly in such Case made and provided; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds, and Mesne Conveyances of Lands, Tenements, and Hereditaments, not already Registered, acknowledged or proved, shall and may, within Two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their agents or Attorneys, or proved by one or more of the Subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments are respectively situated: And all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, though not within Two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved, and registered agreeable to the Directions of any Act of Assembly heretofore made.

CHAPTER X.

An Act to prevent hunting for and killing Deer in the Manner therein mentioned.

I. Whereas many Persons, under pretence of hunting for Deer in the Night Time by Fire Light, kill and destroy Horses and Cattle, to the great Prejudice of the Owners: To prevent which for the Future,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person or Persons shall be discovered hunting with a Gun in the Night Time by Fire Light, or sitting at any Lick in the Night, such Person or Persons so offending, shall forfeit and pay for every Offence the Sum of Five Pounds Proclamation Money; to be recovered by a Warrant from any Justice of the Peace in the County; one Half to the Informer, the other Half to be applied to the Use of the Parish where such Offence shall be committed; and upon due Conviction thereof before such Justice on Trial, it shall and may be lawful for such Justice thereupon to give Judgment, and award Execution against the Body or Goods of the Offender, and to order such Offender to have and receive Thirty Nine Lashes, on his bare back, well laid on.

III. And to prevent the concealing such Offences, Be it Enacted, by the Authority aforesaid, That if any Person or Persons shall see any other Person or Persons hunting in Manner hereinbefore mentioned, and shall not discover the same, within Ten Days to some Magistrate; then, and in such Case, such Person or Persons, for not discovering the said Crime, shall forfeit the Sum of Five Pounds, Proclamation Money, for every Time he shall see the above Crime committed; to be recovered and applied in the Manner as in and by this Act is before directed.

IV. And in order to discourage all Persons from this Pernicious Practice, or the more easily to detect them in the Commission thereof; Be it further Enacted, by the Authority aforesaid, That in Case any Person shall, upon Oath before some Magistrate of the County, declare that he suspects any Person or Persons to be guilty of Hunting with a Gun in the Night Time by Fire light, it shall and may be lawful for such Magistrate to issue his Warrant to apprehend the Person or Persons so suspected, and to bring him or them before him, or some other Magistrate of the County where the Offence is supposed to be committed: And in Case the Person or Persons so apprehended will not, upon Oath, declare, that he or they have not been guilty since the passing of this Act of hunting in the Manner aforesaid, such Person or Persons shall, in such Case, be deemed guilty of the Offence, and be liable to be punished as in this Act is before directed.

V. And be it further Enacted by the Authority aforesaid, That in Case any Idle, dissolute Person or Persons, of a Suspicious Character, should be found hunting privately in any County of which he is no freeholder, any Justice of the Peace of such County shall have power to issue his Warrant to apprehend the said Person or Persons, and bring him or them before any Two Magistrates of the said County; and if such Person or Persons shall not be able to give a Fair and satisfactory Account of his or their Character, the said Magistrate shall have power to order him or them immediately out of the said County; with which if he or they do not comply, but is or are afterwards found hunting within the Bounds of the said County; he or they shall forfeit and Pay the Sum of Five Pounds, Proclamation Money; to be recovered and applied in the same Manner as other Fines in this Act. And that no person may pretend to be ignorant of the Penalties inflicted by this Act, the Clerk of every inferior Court in this Province shall, once a Year, during the sitting of the Court, read this Act; and every Clerk of the Militia, at least once a Year, read the same, to the Company of which he is clerk, while under Arms, at the General Muster; And in Case of Failure, the Clerk so failing shall forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered by Warrant, before any Justice of the Peace belonging to the

County, and to be applied in the same Manner as other Fines already mentioned in this Act.

VI. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Two Years, from and after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XI.

An Act for appointing Commissioners for erecting and building a Court-House, Prison, and Stocks, for the County of Tryon.

I. Whereas by an Act of Assembly made and passed in the Year of our Lord One Thousand Seven Hundred and Sixty Eight, entitled, An Act for dividing Mecklenburg County, and other Purposes, Thomas Neil, Henry Clark, William Yancey, Daniel Warlock, Jacob Forney, John Gordon, and William Watson, were appointed Commissioners, and impowered and directed to contract and agree with Workmen for erecting and building a Court-House, Prison, and Stocks, for the Use of Tryon; and whereas the said Commissioners have neglected to comply with the Directions of the said Act:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Thomas Neil, William Moore, Robert Adams, Ephraim McLain and John Beard, or the Majority of them, be, and are hereby appointed Commissioners, and invested with the same Powers and Authorities as the former Commissioners; and are impowered and directed to agree and contract with Workmen for erecting and Building a Court House, Prison, and Stocks, for the Use of the said County, in the Room and stead of the Commissioners in the before recited Act appointed; and they are hereby required to agree and appoint a proper and convenient Place whereon to erect the said Buildings, within Three Months, and cause the same to be erected and built within Twelve Months after the passing of this Act; any Law to the contrary notwithstanding.

CHAPTER XII.

An Act to prevent the untimely Destruction of Fish in Core Sound, Bogue Sound, and the Straights in Carteret County.

(Printed in Private Acts, *post*).

CHAPTER XIII.

An Act to appoint Commissioners for finishing the Church in Wilmington, in the Room and Stead of John DuBois and George Wakely, Esquires, deceased.

I. Whereas John DuBois, and John Wakely, Esqrs., two of the Commissioners appointed by an Act of Assembly, entitled, An Act for finishing the Church in Wilmington, are since deceased,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Honorable Lewis DeRosset, Esq., and Frederick Gregg, Esq., be, and they are hereby appointed Commissioners, for finishing the Church in Wilmington, in the Room and stead of the said John DuBois, and George Wakely, Esquires, deceased; and the Commissioners by

this Act appointed are hereby vested with the same Powers and Authorities, and shall be subject to the same Rules and Restrictions, as the Commissioners appointed by the Act hereinbefore recited were vested with, and subject to.

CHAPTER XIV.

An Act to establish a public Inspection of Tobacco in the County of Johnston.

I. Whereas the establishing a Public Inspection of Tobacco in the County of Johnston will encourage Commerce, promote Industry, and be advantageous to many Planters and others in the said County;

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of the said County of Johnston shall, and are hereby impowered and directed, to cause to be built and erected a Warehouse, and other Conveniences, fit and necessary for the Reception, Inspection, and safe Keeping of Tobacco, at the Ferry, on the Land of Capt. John Smith, on Neuse River, and the same when so built and erected, shall, and is hereby declared to be a Public Warehouse, for the Inspection and Reception of Tobacco.

III. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County of Johnston shall, from Time to Time, appoint Inspectors to attend the said Inspection, and ascertain their salaries, and order and direct how the said Inspectors shall give their attendance at the said Warehouse, which said Inspectors be under the same Regulations, Rules, and Restrictions, and entitled to the same emoluments, as are by Law appointed for Inspectors of Tobacco in this Province.

IV. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County shall and may levy such a Poll Tax on the Taxable Persons within the said County, as shall be necessary for defraying the Expences of Building the said Warehouse, and other conveniences; which shall be collected by the Sheriff of the said County, in like Manner as County Taxes are collected and accounted for, to the Court.

CHAPTER XV.

An Act for the Relief of such Persons who have or may suffer by the loss of the Records in Bladen County, and for the Election of Vestrymen for the Parish of St. Martin's.

I. Whereas the House of Mr. Marturin Colville, Clerk of the Court, and Register for the County of Bladen, and the Records of the said County, were lately burnt and Consumed; whereby the Estates of many Orphans, and other Persons, may be very much Perplexed and prejudiced: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Copy of any Judgment, Order, Settlement of Orphans and their Estates, or other Record, or other Matter or Thing, transacted or done in the said Court, or Register's Office, in the County of Bladen, attested under the Hand of the Clerk or Register who recorded the same (in such Case where the Original is destroyed) shall and may be given in Evidence in any Dispute or Controversy, in any Court whatsoever, and shall have the same Weight and Credit

given to it as the Original Record might, or ought to have, could it have been produced.

III. And be it further Enacted, by the Authority aforesaid, That where any Persons have neglected taking Copies from the Clerk's Office, or may have lost them, or have neglected taking their Deeds out of the Register's Office, and are desirous to perpetuate the Memory of such Judgment, Order, Probate of any Will, Settlement of an Orphan's Estate, Deed, Mortgage, Bill of Sale, or any other Matter or Thing transacted and done in the said County Court or Register's Office; it shall and may be lawful, upon the Deposition of one or More creditable Person or Persons, taken in Writing, and sworn to in open Court, at any Time within Three Years after the passing of this Act, of the Contents or Substance of such Judgment, Order, Probate of a Will, Settlement of an Orphan's Estate, Deed, Mortgage, Bill of Sale, or other Instrument of Writing whatsoever, and that the original Record was burnt as aforesaid; Which Deposition shall be Recorded in the minutes of the Court, certified by the Clerk, and registered in the Register's Office, in the said County; for which Service the said Clerk or Register shall be allowed a Sufficient Reward, at the discretion of the Justices of the County Court; to be paid out of the County Tax.

IV. And be it further Enacted, That such Record so made, shall and may, at all Times hereafter, be pleaded and given in Evidence, and have the same Validity, in any Cause or Court whatsoever, as the Original would have, could it have been produced.

V. And whereas, for want of a Sheriff in the said County, no Election of Vestrymen was made in the Parish of St. Martin's on Easter Monday last; Be it therefore Enacted, by the Authority aforesaid, That the Freeholders of the said Parish shall and are hereby directed, to meet on Easter Monday next after the passing of this Act, at the Court House, or at the Usual Place of electing Vestrymen, and then and there Choose and elect Twelve Freeholders to serve as Vestrymen; which Vestrymen, after due Qualification shall be, and are hereby invested with as full Power and Authority, to act and do in all Things, as any Vestrymen elected or chosen in Virtue of any Act of Assembly of this Province.

CHAPTER XVI.

An Act for the better settling, regulating, and improving the Town of Beaufort, in the County of Carteret; and for annexing Ocacock Island to the said County.

I. Whereas the Laws hitherto made for regulating the Town of Beaufort, have been found Inconvenient; For Remedy whereof,

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, William Thompson, William Cole, William Robinson, Joseph Bell, Jun., and John Easton, Gentlemen, shall be, and are hereby appointed Commissioners of the said Town; And in Case of their or any of them, dying, removing, or refusing to Qualify as such, it shall and may be lawful for the remaining Part, or a Majority of them by and with the Consent and Approbation of the County Court, to nominate and appoint another, in the Room of such dying or removing, or refusing to qualify: And that the said Commissioners, and each of them, shall, before entering upon their said Office, take the following Oath:

I, A. B., do swear, that I will execute the Office of a Commissioner for the

Town of Beaufort, faithfully, impartially, and truly without Favour, Affection, or Prejudice; and that I will, to the Utmost of my Power, in all Things, act for the Good of the said Town and the well Governing of it, to the best of my skill and judgment. So help me God.

Which said Commissioners, after so sworn and Qualified, shall proceed to choose one out of the Number, to be a Treasurer of the said Town; into whose Hands all the Monies arising by the Sale of Lots in the said Town, or otherwise howsoever arising or becoming due to the said Town, shall be paid, and there kept till disposed of as hereinafter directed.

III. And be it further Enacted, by the Authority aforesaid, That the said Treasurer, before he enters upon the Execution of his Office, shall give Bond, with Two sufficient securities, in the Sum of Two Hundred Pounds, Proclamation Money, to the Commissioners of the said Town, and their Successors, for the faithful Discharge of his said Office.

IV. And whereas sundry Disputes may hereafter arise concerning the Titles of Lots in the said Town of Beaufort, and the Bounds thereof; Be it Enacted by the Authority aforesaid, That the Commissioners hereby appointed, and their successors, are declared to have a Good, Absolute, and indefeasible Estate, in Fee, in the Two Hundred Acres of Land laid out for the said Town of Beaufort, in Trust and Confidence, and to and for the Uses, Intents, and Purposes, as by an Act, entitled, An Act for incorporating the Seaport of Beaufort, in Carteret Precinct, into a Township by the Name of Beaufort, or so much of the said Act as is now in Force: And the Commissioners by this Act appointed, are hereby declared to have a Good, absolute and Indefeasible Estate, in Fee, in all such Lots within the said Town, which have not been disposed of by the Former Proprietors or Commissioners, and built upon or improved agreeable to Law, in Trust and Confidence, and to and for the Uses in this Act Mentioned: And all and every Person or Persons whatsoever, who have heretofore purchased and paid for any Lot or Lots in the said Town, and have fully complied with the Conditions of their Deed or Grant, and the Law for building and improving thereon, or who may hereafter purchase, pay for, and fully comply with the Law for building and improving thereon, and hereby declared to be invested with a Good, absolute, and indefeasible Estate, in Fee, to such Person or Persons, and to his and their Heirs and Assigns forever.

V. And whereas the Settlement of the said Town of Beaufort hath been much retarded by Persons taking up Lots in the said Town, and not building thereon as required as by law; Be it Enacted by the Authority aforesaid, That the Commissioners of the said Town for the Time Being, or any of them, are hereby authorized, impowered, directed, and required, to grant, convey, and acknowledge, under the Restrictions and Limitations hereinafter mentioned, to any Person requiring the same, and to their Heirs and Assigns forever, in Fee Simple, any Lot or Lots of Land within the said Town, not already taken up and built on agreeable to the Laws heretofore made for Regulating the said Town; or any Lot or Lots that may hereafter be liable to be taken up for want of Building on as is by this Act directed, he or they paying Thirty Shillings Proclamation Money for the purchase; twenty Shillings of which shall be paid to the Proprietor of the said Land, and Ten Shillings to the Church Wardens of the Parish of St. John's for and towards building a Church in the said Town.

VI. Provided nevertheless, That where any Person or Persons shall hereafter take up any Lot or Lots in the said Town, and shall not build thereon, or cause to be built, within Two Years from the Date of their Conveyance, a Good, Habitable Brick, Stone or Framed House, with a Brick or Stone Chim-

ney thereon, not of less Dimensions than Twenty Feet long, Fifteen Feet in width, and Eight Feet in Height, between the First Floor and the Joists, in Proportion for each and every Lot and Lots, or make such Preparations for so doing, as the Commissioners, or a Majority of them, shall judge Reasonable to secure the same (except where the Title of such Lot or Lots, before the Expiration of the Time for building thereon, shall Fall to a Minor or Minors) every such Conveyance shall, and is hereby declared null and Void, and of no Effect, insomuch as if the same had never been made; and the same Lot or Lots shall be free and Clear for any other Person to take and Purchase, in Manner and Form aforesaid; and all Monies arising by the Second or other Sale of the said Lots shall be, and is hereby appropriated and applied for the Building of a Church in the said Town.

VII. And whereas the Plan formerly taken of the said Town hath been found inaccurate, irregular and confined; Be it Enacted by the Authority aforesaid, That the Plan produced at the Time of passing this Act, containing the following Courses, to-wit, Beginning at a Cedar Post in Pollock Street, and running along the Water, North Fifty Eight Degrees West, agreeable to that Part of the Plan called the Old Town, beginning at the Cedar Post and running South fifty eight degrees East agreeable to that part of the Plan called New Town, shall be and remain as the Proper Plan of the said Town, and lodged in the Register's Office for the said County of Carteret, where Persons at any Time may have Recourse to the same. And for Defraying the Expence attending the Procuring, taking and running out the said Town, Town Lands, and Plan so as aforesaid, the Commissioners shall and may order the Treasurer of the said Town, out of the Monies he shall have in his Hands, to pay such Sum or Sums as they may think Reasonable, to the Parties who attended taking the same; And the said Commissioners are hereby impowered to account with, take and receive, for the Use of the said Town, all such Sum or Sums of Money that now are in the Hands of any former Commissioner or Commissioners, Treasurer, or other Person whatsoever, either for the Sale of Lots, or otherwise, and finally to adjust and settle the same: And that from and after the passing this Act, the Treasurer for the Time being shall, and is hereby required, Annually to account with the Inferior Court of Pleas and Quarter Sessions for the said County, for all such Sums of Money as he shall, for the Sale of Lots, have received, which Money shall be applied in the Following Manner; That is to say, Twenty Shillings for each and every Lot, to the Use of the Proprietor, his Heirs and Assigns; Ten Shillings for and Towards building a Church in the said Town; and the remaining Monies accruing by Means of this Act, after defraying the contingent Charges of said Town, such as the said Commissioners, or the Major Part of Them, shall think reasonable, shall, in like Manner, be applied towards building a Church, and keeping the same in repair as aforesaid.

VIII. And whereas the allowing of Hogs to run at large in the said Town, is found to be a Great Nuisance to the Inhabitants thereof; Be it Enacted by the Authority aforesaid, That none of the Inhabitants of the said Town shall, on any Pretence whatsoever, suffer any Hogs to run at large within the Bounds of the said Town; and any Hog or Hogs so running at large as aforesaid, shall be forfeited; one Half to the Person who shall seize or kill the same, and the other Half to the Church Wardens of St. John's Parish, for the Use of the said Parish.

IX. And be it further Enacted by the Authority aforesaid, That the Commissioners, or a Majority of them, shall appoint an Overseer every First Tuesday in January, annually, for the said Town; which Overseer shall sum-

mons all male Taxables, Inhabitants thereof, to clear, repair, and keep in Order, the Streets, Lanes, and Passages belonging to the said Town; And any Person refusing or neglecting to work on such Summons or to furnish a Good and sufficient Hand or Hands in his or their Place, with proper Tools to work with, shall forfeit and pay Two Shillings, and Eight Pence, Proclamation Money, per Day, for every Day he or they shall so refuse or neglect; to be recovered in the same Manner as the Fines and Forfeitures are to be recovered by overseers of the Roads; and the Monies so recovered, shall be applied towards hiring Labourours to clear and repair the Streets, Lanes and Passages, or any other Public Work to be done in the said Town; And every Overseer appointed as aforesaid, refusing or neglecting to, serve as overseer of the said Town, shall forfeit and pay, for every Day he so refuses or neglects Ten Shillings, Proclamation Money; to be recovered and applied as above.

X. And be it further Enacted, by the Authority aforesaid, That every Person exempted by Law from working on Public Roads, shall not be themselves compelled to work on the Streets, Lanes, or Passages, in the said Town; and that the Inhabitants of the said Town shall be exempted, and forever hereafter excused from working on County Public Roads, during the Time they shall live in the said Town and no longer.

XI. And be it further Enacted, by the Authority aforesaid, That if any Tavern Keeper, Ordinary Keeper, or Retailer of Liquors, or Keepers of Public Houses in the said Town, shall suffer any Person or Persons whatsoever, to sit tippling or drinking in his, her, or their House, in the Time of Divine Service, on the Sabbath Day; or shall suffer any Person or Persons to get drunk in his, her, or their House, such Person or Persons so offending, shall forfeit and pay Twenty Shillings, Proclamation Money, for every such Offence; to be recovered by a Warrant, under the Hand and Seal of any Justice of the Peace for the said County of Carteret, and be paid into the Hands of the Treasurer of the said Town.

XII. And be it further Enacted, by the Authority aforesaid, That where-ever any Person or Persons shall be found Quarrelling or fighting within the said Town or Township of Beaufort, in View of any of his Majesty's Justices of the Peace, or shall be convicted thereof, by the Oath of one Credible Witness, shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings, Proclamation Money; and in Default of such Payment, shall suffer Twenty Four Hours Imprisonment, in the common Gaol, or be put into the Stocks for the Space of Two Hours, or longer, as the Direction of the Justices shall seem Meet: Provided the Information be made within Twenty Four Hours after such Offence shall be committed.

XIII. And for the Better regulating the Town of Beaufort, Be it Enacted, by the Authority aforesaid, That the said Commissioners or a Majority of them, shall have full Power, and lawful Authority, to pass such necessary Rules and Orders, as to them shall seem Meet, for removing all Nuisances within the Bounds of the said Town; for Persons to remove Dirt and Rubbish, from before their Doors; to grub and clear their Lots; for pulling down all wooden chimnies already built in said Town, and prevent the building thereof for the Future, in Order to prevent Dangers by Fire, provided that Six Months' Notice be given to the Owners of such Chimnies as are already built, to pull down the same; and for all other Things as may tend to the Advantage of the said Town, so as the same be not repugnant, but as near as may be agreeable, to the Laws of England and this Province.

XIV. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act Mentioned, the Recovery of which is not

otherwise directed, shall be by a Warrant, under the Hands and Seals of the Commissioners or a Majority of them, directed to any Sworn Officer of the County of Carteret, to convene such delinquent or Delinquents before them, at a Certain Day mentioned in the said Warrant; and, on Conviction, to give Judgment, and award Execution for such Officer to levy the said Fine or Forfeiture by Distress and Sale of the Offender's Goods and Chattels; Which said Fines and Forfeitures such Officer shall pay into the Hands of the Treasurer of the said Town, as Part of the Common Stock, and be applied as in this Act before Directed.

XV. And for the Further Encouragement of the said Town of Beaufort, Be it Enacted, by the Authority aforesaid, That the Register Clerk and Sheriff, of the said County of Carteret, shall and are hereby directed and required, to keep their respective Offices in the said Town; on Penalty of Ten Shillings, Proclamation Money, for every Week they shall neglect the same; to be recovered before any Justice of the said County of Carteret, by any Person who shall sue for the same; And all Elections and General Musters, and other Public Business of the like Nature, belonging or appertaining to the County of Carteret, shall be held and done in the said Town, and at no other Place whatsoever.

XVI. Provided always, That nothing herein contained shall be construed, deemed, or taken, to subject the Clerk, Sheriff or Register, to the Penalties before inflicted, in Case it shall be adjudged necessary for the Records of the respective Offices to be removed, by Order of the Inferior Court of Carteret.

XVII. And that due Regard may be paid to the Orders that may be made or given by the Commissioners of the said Town of Beaufort, Be it Enacted by the Authority aforesaid, That the Commissioners of the said Town for the Time Being, or a Majority of them, shall have full Power and Authority, to lay such Fine or Fines on any Person or Persons that shall refuse or neglect to obey any of the Rules and Orders that shall be passed by the said Commissioners, or a Majority of them, for the better Regulating the said Town, as they shall think fit, not exceeding Ten Shillings, Proclamation Money; and on refusal or Neglect to pay the same immediately, to issue their Warrant to any Sworn Officer, to levy the same, by Distress and Sale of the Offender's Goods and Chattels; the like Proceedings being first had, as before directed for the Commissioners to observe in the Recovery of Fines imposed by this Act.

XVIII. And whereas Part of Hatteras Banks, adjoining the Bounds of Currituck County, from the Place where Hatteras Inlet formerly was, and extending Westward to Ocacock Inlet, is not included in any County within this Province; by which Means the Inhabitants thereof are not liable to pay Taxes, or perform any Public Duties whatsoever: For Remedy whereof, Be it Enacted, by the Authority aforesaid, That from and after the Passing of this Act, all that Part of the said Banks from the Low Beach, which runs across the same to the Sea Side, and where Hatteras Inlet formerly was, extending Westward to Accomack Inlet, shall be forever hereafter annexed to the County of Carteret, and shall be held, taken, and deemed as Part of the same; and the Inhabitants thereof shall be liable and subject to the same Duties, Taxes, and Impositions, and entitled to the same Privileges, Benefits, and Advantages, as the other Inhabitants of the said County of Carteret.

XIX. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, Clause and Clauses, Article and Articles thereof, heretofore made, or so much thereof as relates to any Matter or Thing within

the Purview of this Act, are hereby repealed and made void, and of no Effect.

CHAPTER XVII.

An Act for the regulation of the Town of Salisbury, securing the Inhabitants in their Possessions, and to encourage the Settlement of the said Town.

I. Whereas the erecting and establishing the Town of Salisbury hath been found highly Beneficial and convenient to the Inhabitants of the Western Parts of this Province, and the same being a healthy, pleasant Situation, well watered and convenient for Inland Trade;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Town aforesaid called Salisbury, and the Common belonging to the said Town, lying on each Side of the Western Great Road leading through the Frontiers of this Province, shall be bounded and circumscribed as by a Plan annexed to a Deed of Conveyance granted by the Agents of the Right Honorable John Earl Granville, to William Churton and Richard Viggers, and by them conveyed to James Carter and Hugh Foster as Trustees, for the Use of the Justices for the County of Rowan, and other Purposes in the said Deed expressed, containing Six Hundred and Thirty Five Acres of Land, duly recorded and registered in the County of Rowan aforesaid; which Plan shall be, for ever hereafter, the true and exact Plan and Boundaries of the said Town.

III. And be it further Enacted, by the Authority aforesaid, That after the passing of this Act, the Superior Courts of Justice, to be held for the District of Salisbury, and County Courts, the Election of Representatives to be sent to the General Assembly for the Borough of Salisbury, and County of Rowan, the Election of Vestrymen for the Parish of St. Luke; and all other Public Elections for the said Borough or County, shall be made and held in the Town of Salisbury, and at no other Place; any Law, Usage or Custom to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of Rowan, the Clerk of the Court for the said County, and the Register of the said County for the Time being shall hold and keep their respective Offices in the said Town of Salisbury.

V. And be it further Enacted, by the Authority aforesaid, That Mr. William Steel, Mr. John Dunn, Mr. Maxwell Chambers, Mr. John Lewis Beard, Mr. Thomas Frobock, Mr. William Temple Coles, Mr. Matthew Froy, Mr. Peter Rep, Mr. James Ker, Mr. Alexander Martin, and Mr. Daniel Little, be, and are hereby appointed Commissioners of the said Town; and they or a Majority of them, shall have the same Power and Authority, as the Commissioners to be chosen by this Act shall or may have, and be subject to the same Penalties.

VI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, are hereby directed to issue their Warrant, at such Times as to them shall seem Meet, to the Overseers of the Roads and Streets, within the said Town, and the Town Common, to warn all Male Taxables within the Borough of Salisbury aforesaid, and the Liberties granted the said Borough by Charter, to clear, repair and pave the Streets: And any Person neglecting or refusing to work as directed in the said Warrant, or to furnish a good and sufficient Hand in his or their Place with proper tools, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, per Day, for every Day he shall so refuse or neglect:

And if any Person so appointed Overseer, shall refuse or neglect to serve as such, he or they shall forfeit and pay Forty Shillings, Proclamation Money, per Day, for every Day he shall so refuse or neglect; to be recovered by Warrant from under the Hands and Seals of the Commissioners, or a Majority of them, wherein shall be no appeal granted; and the Monies so recovered, shall be applied towards clearing and repairing the Streets, or any other Public Work in the said Town.

VII. And be it further Enacted by the Authority aforesaid, That the Commissioners or the Majority of them, shall determine all Complaints of Nuisances, lying upon the Streets, Dangers, Fire, arising from Wooden Chimnies, or any such Hazardous Buildings, and pass orders for the Removal of such Nuisances, and other Matters that shall or may incommode, hinder or interrupt, a free Passage through any of the Streets of the said Town, either for Carriages, Horse or Footman; And that no Person shall lay down, or place any Filth, Straw, or Rubbish, in any of the said Streets, except Scantling, or Stone, Brick, or Materials for Building, which shall or may be intended immediately for use; and in such Case, such Materials to be placed as near as reasonably may be to the Foundation of such intended Building; on Penalty of forfeiting Ten Shillings Proclamation Money, for each and every Offence; to be recovered and applied in Manner aforesaid.

VIII. And be it further Enacted by the Authority aforesaid, That the Owner or Owners, or Possessor of any Lot or Lots or Part of a Lot within the original Plan of the said Town, and adjoining the two Main Streets called Corbin Street, and Innis Street, and the Two other Streets running parallel with the aforesaid two Main Streets, shall grub, clear, Open, and inclose with Rails or Posts, and rail Fence such their respective Lots, at their Own Costs and Charges, within Twelve Months after the passing of this Act, and shall keep the same clean and open; on Penalty of Ten Shillings Proclamation Money, for each and every Offence. And that no Person shall build or erect any Piazza, Porch, or Balcony, fronting or adjoining the Streets of the said Town, exceeding Six Feet in Width, from the House to which such Piazza, Porch, or Balcony, adjoins; on Penalty of Five Pounds Proclamation Money, for each and every Offence; to be recovered by Action of Debt, in the Inferior Court of Pleas and Quarter Sessions, to be held for the said County by any Person who shall sue for the same. Provided such Prosecution be commenced within Two Years after the committing such Offence; to be applied as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That no Inhabitants of the said Town shall, on any pretence whatsoever, keep any Hog or Hogs, Shoat or Pigs, running at large within the Bounds of the said Town, on Penalty of forfeiting such Hog or Hogs, Shoat or Pig, and paying the Sum of Twenty Shillings, Proclamation Money, to the Party aggrieved; and further, that it shall and may be lawful for any Person whatever, after the Tenth Day of March next, to shoot, kill, or otherwise destroy such Hog or Hogs, Shoat or Pig, so running at large within the said Town.

X. And to prevent Dangers arising by Fire, Be it Enacted, by the Authority aforesaid, That each and every Householder within the said Town of Salisbury, shall procure or cause to be procured, two sufficient Leather Buckets, and a Ladder and keep the same in continual readiness against any Alarm that may be given, occasioned by the breaking out of Fire at any Time in the said Town; on Penalty of paying Twenty Shillings Proclamation Money.

XI. And whereas the Too frequent Custom of immoderate riding Horses, and driving of empty wagons and Carts in and through the said Town, is

found to have a very dangerous tendency: To prevent which, Be it Enacted by the Authority aforesaid, That no Person or Persons from and after the passing of this Act, on any Pretence whatever shall immoderately ride or strain any Horse or Mare, or drive any empty Waggon or Cart in or through the said Town or any of the Streets thereof; on Penalty of forfeiting and paying the Sum of Five Shillings Proclamation Money, for each and every Offence; to be recovered by Warrant, from under the Hand and Seal of any Justice of the Peace of the said County.

XII. And for the better and more effectual securing the Titles of the several Lots in the said Town in the Possessors thereof; Be it Enacted by the Authority aforesaid, That all Titles heretofore made to any Lot or Lots, or to any Part of a Lot (except one Lot in the said Town, heretofore received, and known by the Name of the Burying Ground) by James Carter and Hugh Foster, Trustees aforesaid, to any Person or Persons, the same being duly registered; and all titles made by the said Hugh Foster since the Death of the said James Carter, and registered as aforesaid, shall and is hereby declared to be good and valid in Law, to any such Purchaser or Purchasers, their Heirs and Assigns: Any Law, Usage, or Custom to the contrary, notwithstanding.

XIII. And whereas the Titles to several Lots lying and being in the Town of Salisbury, have by Reason of the Deeds not being duly registered, and other Circumstances, been brought into Dispute; Be it therefore Enacted by the Authority aforesaid, That all Deeds of Lots of Land, lying and being in the said Town of Salisbury, which shall be registered within Two Years from the passing of this Act, shall be good and sufficient in Law for so much as they were intended to convey; and shall have every Effect that they could have had if they had been registered within the Time by any Act of Assembly directed for the saving of the said Lots to the Proprietors.

XIV. And be it Enacted by the Authority aforesaid, That no Possession, except under Deeds from the Commissioners of the said Town, shall operate to give a Title to any Persons who have occupied or improved, or who now occupy or improve such Lots, against any Persons who have, bona fide, received and taken Deeds from the Commissioners of the said Town for the same.

XV. And be it Enacted, by the Authority aforesaid, That the aforesaid Lot, reserved and Known by the Name of the Burying Ground, be forever hereafter reserved for that Use only; and the Title thereof Vested in the Commissioners of the said Town, for the Time being, for the Uses and Purposes aforesaid.

XVI. And be it further Enacted, by the Authority aforesaid, That each and every Possessor of any Lot or Lots, or Part of a Lot, within the Original Plan or Map of the said Town, and adjoining either side of the two Streets called Corbin and Innis Street, who shall not, within the Term of Three Years after the passing of this Act, erect and build, or cause to be erected and built, a House of the Dimensions of Twenty Four Feet by Sixteen in the Clear, of Brick, Stone, or Frame, or Hewed logs, with either a good Brick or Stone Chimney, shall forfeit the said Lot or Lots, or Part of a Lot: And that any Possessor of any Lot or Lots adjoining the Two Streets, running parallel with the said Streets called Corbin and Innis Street, and within the said Plan, who shall fail to erect and build a House of the Dimensions aforesaid, with such Chimney, within the Space of Four Years, shall likewise forfeit such Lot or Lots; and the Commissioners aforesaid shall, and are hereby impowered and authorized, to enter upon and seize such

forfeited Lot or Lots, or Part of such Lot, and to sell the same to any other Person, who shall purchase the same: And the said Commissioners, or the Majority of them, are hereby invested with full Power and authority to convey the same to some Purchaser; which Sale shall be good and Valid in Law to such Purchaser, his Heirs and Assigns, forever. Provided always, That nothing herein contained shall be construed, deemed, or taken, to affect or invalidate the Claim or Title of any Infant or Feme Covert.

XVII. And be it further Enacted, by the Authority aforesaid, That in Case of the Death or Removal of any of the Commissioners heretofore in this Act mentioned, that then it shall and may be lawful for the Justices of the Inferior Court of Rowan County, to appoint one or more Commissioner or Commissioners, in the Room of him or them so deceased or removed; which Commissioner or Commissioners, so appointed as aforesaid, shall, and is hereby declared to have as full Power and Authority, as the Commissioners appointed by this Act.

XVIII. And be it further Enacted, by the Authority aforesaid, That the said Commissioners appointed by this Act, or to be hereafter appointed, before they enter in and upon the Execution of their Office, shall take the following Oath, to-wit:

I, A. B., do swear, that I will execute the Office of a Commissioner for the Town of Salisbury, faithfully and truly, without Favour or Prejudice, and in all Things act for the Good of the said Town, and the well governing thereof, to the best of my Skill and Judgment, according to law. So help me God.

XIX. And be it further Enacted, by the Authority aforesaid, That the several Inhabitants of the said Town, their Servants and Slaves, Travellers and others, shall have free Access to all Springs, and Natural Fountains of Water within the said Town, and Town Common, without the Hinderance, Let, or Interruption of the Owner or Owners of such Lot or Lots or Common, whereon such Springs or Natural Fountains of Water are situate; and that the said Springs and Fountains of Water be, and are hereby declared to be free to all Persons, to supply themselves with water therefrom, to supply their several Uses; and that it shall and may be lawful for the Inhabitants of the said Town, their Servants or slaves as aforesaid, to cut, sell and appropriate, to his or their own Use, for Fire Wood, or Timber, for building in the said Town, any Tree or Trees now standing or being on the said Town Common without the Hindrance of any Person whatever.

XX. And be it further Enacted, by the Authority aforesaid, That the said Commissioners or the Majority of them, or their Successors, are hereby empowered, to lay out, and appoint a Proper Place in the said Town, for erecting and building a Market House, or other Public Buildings in the said Town.

XXI. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures that shall hereafter be recovered in Virtue of this Act, the Method whereof is not hereinbefore expressed, shall be by Warrant from under the Hands and Seals of the said Commissioners or the Majority of them, and applied as in this Act directed.

CHAPTER XVIII.

An Act to amend An Act, entitled, An Act to impower the Inferior Courts of the several Counties in this Province, to order the laying out of Public Roads; and to establish and settle Ferries; and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province; and to clear navigable Rivers and Creeks.

I. Whereas by the before recited Act, among other Things therein contained, it is Enacted, that upon Application made to any of the Inferior Courts in this Province, for clearing navigable Rivers and Creeks, in their respective Counties, it shall and may be lawful for the said Courts, and they are hereby directed and required, to appoint such Overseers of the Roads as live most convenient to such Rivers and Creeks, with their Companies, to do and perform the same: And whereas the said Act hath been found, by experience not to answer the salutary Purposes intended thereby:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That each and every Overseer of any Road in any County in this Province, whose District is most convenient, or adjoins any navigable River or Creek, shall, is, and are hereby directed and required, to clear and work on such River or Creek, with his company without any order of Court for that purpose not exceeding six days in every year: And every overseer so failing or neglecting to work in such river or creek agreeable to the Directions of this Act, shall be liable to the same pains and Penalties, and subject to the same Recoveries, as is directed to be had against Overseers by the before recited Act.

III. And whereas the Lower Little River, in Cumberland County, has been found by experience, to be navigable; and that Lumber, and other Commodities, have been rafted down the said River; and that it is practicable for Boats to pass up the same a Considerable Distance, the said River being cleared of Logs and Rafts, near Twenty Miles from the Mouth thereof: Be it Enacted by the Authority aforesaid, That any Person who hath built any Mill Dam, or that may hereafter build, or cause to be built, any kind of Dam or Bridge across the said River, that may obstruct or prevent the free Passage of any such Produce for the Future, and shall not make, or cause to be made, a Proper Slip, or other Convenience, in such Manner that any produce may be carried safely, and without Damage or Prejudice to the Owner; such Person so offending shall, for every Offence, forfeit and pay to the Party injured, all such Damages as he shall sustain thereby; to be recovered with Costs, before any Jurisdiction having Cognizance thereof.

IV. Provided nevertheless, That no such Owner or Possessor of such Mill-Dam or Bridge shall be obliged to make such Slip, or other Convenience, till after the first Day of November next.

V. Provided also, That this Act, nor any Thing herein contained, shall not extend and be in Force in the Counties of Craven, Edgecomb, Halifax, Pitt, Hyde, Currituck, Duplin, Pasquotank, Carteret, Bute, Chowan, Hertford and Granville; any thing herein contained, to the contrary, notwithstanding.

CHAPTER XIX.

An Additional and Explanatory Act to an Act, entitled, An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same; and for taxing Law suits.

I. Whereas frequent Complaints have been made that the Fees of the

Clerks of the Superior and Inferior Courts, as regulated by former Acts of Assembly are doubtful and Ambiguous: For explanation whereof,

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That for the future the following Fees only shall be received by the Clerks of the Superior and Inferior Courts; and no other or greater Fees or Charges whatsoever shall be Deemed or construed to be allowed by the former Acts of Assembly, to-wit,

For every Writ or leading Process returned to the First Court: and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon until the making up an Issue Inclusive; and also, for Dismission, or Final Judgment, where either Happens; or for concession of Judgment, to the Clerk of the Court, Fourteen Shillings.

For every Continuance, or Reference of every Cause after the second Court, including all Fees for every Service necessary thereon, Four Shillings.

For the Court at which the Cause is determined, including all Fees for every Necessary Service thereon, and entering final Judgment inclusive, Eighteen Shillings.

For every Subpoena, more than three different and distinct Subpoenas, in any Cause, the Clerk shall be allowed, by the Party praying such Subpoena, Two Shillings.

Provided always, that the Parties taking out any one of the Five Subpoenas intended by this act to be issued without fee may be at liberty to insert in each Subpoena any Number of Witnesses, not exceeding Four, Two Shillings. When necessary for every execution, or Order of Sale, issued and returned, including all services thereon, with taking Costs and Copy, and entering Satisfaction, Five Shillings.

For every Scire Facias against Bail, with making up an Issue thereon, or entering Judgment without Plea, including all Fees for every Service necessary thereon; provided that the Party paying Costs, shall not be subject to this, unless the Scire Facias is requisite, and required by the Plaintiff; Eight Shillings.

For giving a Copy of the Record of any Cause when demanded by either of the Parties, Six Shillings.

For every Order or Rule of Court, made on Matters foreign to the Suits depending in Court, and Copy thereof when demanded, Two Shillings and Eight Pence.

For entering on the Minutes the Probate of a Will, Qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence.

For granting Administration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence. For all Services necessary to be done by the Clerk of the Court, towards procuring Letters of Administration, or Letters Testamentary, if he furnishes the said Letters, including the Governor's, Secretary's, and private Secretary's Fees, Twenty Six Shillings and Eight Pence.

For all Services in Proving, recording, and filing an Inventory, Account Sales, or Account Current exhibited by an Executor, Administrator, or Guardian or for Search Copy and Certificate of the same, if the Estate be under One Hundred Pounds, One Shilling and Four Pence; if above One Hundred Pounds value, Four Shillings.

For every Marriage License and Bond, and all the necessary Services thereon, Five Shillings.

For an Ordinary License and Bond, and all the Services necessary to be done thereon, Five Shillings.

For Tavern Rates, Two Shillings and Six Pence.

For searching a Record out of Court, Eight Pence.

For proving or entering Acknowledgment of a Conveyance of Land, or other Estate, and certifying the same, with the Order for Registration, and examination of a Feme Covert without Commission, Two Shillings and Eight Pence.

For a Commission to take the Examination of a Feme Covert, or Witnesses in any Cause depending in the Superior Court, the Return thereon, entering, and all other services necessary thereon, Three Shillings.

For Guardian and other Bonds taken in Court, and for all necessary Services thereon, every Fee relative thereto included, Eight Shillings.

For Indentures for binding out Apprentices, making Order thereon, and for filing and recording the same, including all Fees for every Service necessary, Five Shillings and Four Pence.

For a Special Venire Facias in an Action of Ejectment, or where the Bounds of Land shall come in Question, when the said Writ shall be issued, Eight Shillings. For a Special Verdict, Demurrer or Motion in Arrest of Judgment and Argument thereon, Four Shillings.

For Writ of Error or Appeal, with a Transcript of the Record, and all Services thereon, Ten Shillings.

For making out Certificates of Witnesses or Jurymen's Attendance, Eight Pence.

For recording a Mark or Brand, and granting Certificate thereon, if required, One Shilling and Four Pence.

III. And be it further Enacted by the Authority aforesaid, That all the Services necessary to be done by the Clerks, of the Superior and Inferior Courts within this Province, for which Fees are not Provided in this Act, shall be Deemed and construed to be exofficio Services, for which the Clerks shall Demand no Fee or Reward whatever, except what shall be allowed such Clerks by the Inferior Court of their respective Counties for such Services.

IV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Clerks of the Inferior and Superior Courts on the Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party resides; and the said Sheriff shall levy the same, in Virtue of the said Execution, as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in words at length, and without any Abbreviation whatsoever; and all Executions Issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same.

V. And be it further Enacted by the Authority aforesaid, That whenever it shall be the Opinion of the Court, that the Party praying a Continuance, should not obtain it without payment of all Costs attending the same, the whole of these Costs shall be paid before the Continuance is granted; and the Party paying such Costs shall not be entitled to recover them, although the Judgment of the Court should finally be in his Favour.

VI. And be it further Enacted by the Authority aforesaid, That if any Person shall hereafter conceive himself aggrieved by any Clerk of the Superior or Inferior Courts in taxing or charging other or greater Fees than by this Act are allowed, it shall and may be lawful for such Person so aggrieved, either by himself or his Attorney, to complain to the Court where such Offender is Clerk; and the said Court shall in a Summary Way, take the Matter under their consideration; and if it shall appear to them

that such Clerk hath taxed and charged other or greater Costs or Fees than are by this Act allowed, then the said Court shall not only Order immediate Restitution to be made to the Party Injured, together with all Costs and Damages but also may, and they are hereby required, to set such Fine as they shall think Proper on such Clerk, not exceeding the sum of Five Pounds; and the Court shall commit such Clerk to Gaol if he refuses or delays to obey their Judgments, there to remain until he has satisfied the Party Injured, agreeable to the Judgment of the Court, and also paid the Fine inflicted on him to the Sheriff; which Fine shall be applied towards defraying the contingent Charges of the County where such Court shall be held, and shall be accounted for by the Sheriff, at the same Time as he accounts for the County Tax: Provided, that such Clerk shall have Ten Days Notice in Writing, previous to the Sitting of the Court where such Complaint is intended to be made; and that there shall be at least Five Justices on the Trial of such Complaint, if in the Inferior Court; and the Notice shall be in these Words, or to this effect.

"I intend to complain of you to the next _____ Court, for taking more Fees in the Suit of _____ against _____ than the Law allows."

And a Copy of this Notice, directed to the Clerk, and signed by the Complainant, proved by the Oath of the Person who served it, with a Copy of the Bill of Costs, from the Officer who levied the same, shall be sufficient for the Court to judge upon, without any other or further Process.

VII. And be it Enacted, by the Authority aforesaid, That if any Clerk shall, during the sitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court shall immediately, on complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Clerk of the Court in this Province shall hereafter be guilty of any Breach or Neglect of Duty enjoined by this Act, such Breach or Neglect of Duty shall, on a second Conviction, be adjudged and deemed a Misbehavior in Office, for which such Clerk shall be suspended by the said Court, on Complaint.

IX. Provided nevertheless, That in Case the Clerk shall be dissatisfied with the Determination of the Inferior Court, he may appeal to the Superior Court of the District, in which case there shall be a Trial de Novo; where if the Suspension of the Inferior Court shall be confirmed, the said Clerk shall ever after be rendered incapable of Acting as Clerk in any Court of Justice in this Province.

X. Provided always, That no Clerk shall be liable to any Penalty or Suspension for failing to construe and comply with the Directions of this Act, in Relation to his Making out and taxing his Bills of Costs, until Six Months from and after the Passing of this Act.

XI. And be it further Enacted by the Authority aforesaid, That there shall be paid to the Clerk at the Time of Issuing any Writ, or any other leading Process, by the Person suing out the same, returnable to the Superior Court, the Sum of Twenty Shillings; and if returnable to the Inferior Court, the Sum of Five Shillings, for the Use of the contingent Fund; to be recovered by the Party Cast, in the same Manner as other Costs.

XII. And be it further Enacted, by the Authority aforesaid, That the Clerk of each Superior Court shall Account for, and pay to the Treasurer of his respective District, at the Sitting of the Superior Court whereof he is Clerk, or in One Month after, all Monies received by him for the Contin-

gent Fund, in Virtue of this Act; and shall make and deliver therewith an exact List, on Oath, of every leading Process issued by him, or returned by the Court whereof he is Clerk: And the Clerks of the Inferior Courts shall, at the Superior Courts of their respective Districts, or in One month after the same, account for and pay to the Treasurer of their respective Districts all monies received by them for the Use of the Contingent Fund, in Virtue of this Act; and shall also make and deliver therewith an Exact List, on Oath, of every leading process by them issued or returned to the Court of which they are respectively Clerks; which List shall be certified by a Magistrate, at the Court of the County whereof he is Clerk, immediately preceding the Superior Court at which he is to account.

XIII. Provided nevertheless, That where any Suit shall be brought by an Executor, Administrator, or Guardian, and no recovery is had on the Trial, the Tax shall be returned to the Party paying the same; and also, when a Writ or other leading Process cannot be executed, and the Plaintiff or Plaintiffs shall dismiss the same, he or they shall receive from the Clerk the Tax paid on such Writ or leading Process; which sums so repaid shall be allowed to the Clerk on his Settlement with the Treasurer, on his producing a List of such Suits, certified by the Court of which he is Clerk; any Thing herein contained, to the contrary, notwithstanding.

XIV. And be it further Enacted by the Authority aforesaid, That the Clerks of the respective Courts shall transmit to the Clerk of the Assembly, at each session of Assembly, Copies of the Account settled with the Treasurer, preceding such Sessions of Assembly, provided such Copies were not before transmitted; and shall be allowed by the Treasurer the Sum of Eight per cent. on all Monies paid by Virtue of this act, out of a Contingent Fund; and the Money received by the Treasurer in Virtue of this Act, shall be by him accounted for as other Monies received for the Use of the Contingent Fund.

XV. And be it further Enacted, by the Authority aforesaid, That the Clerks, of the Superior and Inferior Courts shall, respectively, enter into Bonds with Good and sufficient Security, in the Sum of Five Hundred Pounds, for the faithful Discharge of their Office, in collecting the Tax herein before Mentioned; which Bonds shall be taken by their Respective Courts, at the First Court after the First Day of March next, and made payable to the Governor, or Commander in Chief for the Time being, and lodged with the Treasurers of the District where such Clerk shall reside.

XVI. And be it further Enacted by the Authority aforesaid, That every Act and Acts of Assembly now in Force, allowing Fees to the Clerks of the Superior and Inferior Courts within this Province, and all other Acts laying Taxes on Suits, so far as comes within the Purview of this Act, are, and shall be hence forth repealed and made void.

XVII. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Two Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XX.

An Act for granting a Salary to the Chief Justice, out of the contingent fund.

I. Whereas it is necessary that the Chief Justice for the Time being should be provided for in a Manner suitable to his Dignity;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That there shall be paid to the Chief Justice for

the Time being, in Lieu of all Manner of other Salaries, Fees, or Perquisites whatsoever, the Sum of Six Hundred Pounds, Proclamation Money, per Annum; and also the Sum of Fifty Pounds, Proclamation Money, for each and every Superior Court he shall attend, to be certified by the Clerks, and no more; to be paid out of the contingent Fund.

III Provided nevertheless, That if the Chief Justice should be prevented by Sickness from attending at any of the Superior Courts, and the same being made to appear, on Oath, he shall be paid the same Sum as if he was personally present.

IV. And be it further Enacted by the Authority aforesaid, That this Act, and every Clause and Article thereof, shall be in Force for and during the Term of Three Years, from the Tenth Day of June Next, after the passing hereof, and no longer.

CHAPTER XXI.

An Act to prevent the Unreasonable Destruction of Fish in the Rivers Roanoke and Dann, and other Water Courses therein mentioned.

I. Whereas many Avaricious Persons, by fishing with several Seins at the same Fishing Place, and by keeping Nets extended across the Rivers, Roanoke, Dann, the Yadkin River, the South Fork of the Yadkin River, the Catawba, the South Fork of the Catawba, as high as Henry Whitner's, Rocky River, as high as Moses Alexander's Mill, Broad River, as far up as Captain Bankton's Place, and County Line Creek, as far as George Boyd's Place, prevent the Fish from passing up the said Rivers, so that the Inhabitants living on the Upper Parts of the said Rivers are deprived from the Benefit of catching Fish therein:

II. Be it therefore Enacted by the Governor, Council, and Assembly and by the Authority of the same, That it shall not be lawful for any Person or Persons whatsoever, from and after the passing of this Act, to drag and fish with more than one sein at any one Fishing Place, or within One Eighth of a Mile of each other, on the said Rivers, at any Time during the Season for Fishing; or to keep a Net or Sein extended or fixed across any of them; or to make any Hedges, stops or Dams, on the same, to hinder or prevent the Fish from passing up the said Rivers; And if any Person or Persons shall offend herein, he or they shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, by the Informer, in any Court of Record having Jurisdiction thereof.

CHAPTER XXII.

An Act for erecting part of Johnston, Cumberland, and Orange Counties, into a separate and Distinct County, by the Name of Wake County and St. Margaret's Parish.

I. Whereas the large extent of the said Counties of Johnston, Cumberland, and Orange, renders it grievous and Burthensome to many of the Inhabitants thereof, to attend the Courts, General Musters, and other Public Meetings therein:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Twelfth Day of March next, after the passing of this Act, the said Counties of Johnston, Cumberland, and Orange, be divided by the following Lines; that is to say; Beginning

at Edgecomb Line on Mocossin Swamp, a Mile above James Lea's Plantation, running a direct Line to Neuse River, at the upper End of John Beddingfield's Plantation; then to David Mimm's Mill Creek, between Mimm's Mill and Tanner's old Mill; then the same course continued to the Ridge which divides Cumberland and Johnston Counties; then a straight Line to Orange Line, at the lower End of Richard Hill's Plantation, on Buckhorn; then the same Course continued Five Miles; then to the Corner of Johnston County on Granville Line; then with the same Line and Bute Line to Edgecomb Line; and along Edgecomb Line to the Beginning; be thenceforth erected into a Distinct County and Parish, by the name Wake County, and St. Margaret's Parish.

III. And for the due administration of Justice; Be it further Enacted by the Authority aforesaid, That after the aforesaid Twelfth Day of March, a Court for the aforesaid County of Johnston, be constantly held by the Justices thereof, at Captain John Smith's, upon the last Tuesdays in February, May, August, and November; and also, that a Court for the said County of Wake, be constantly held by the Justices thereof, at such Place as shall be laid off, and agreed upon, by the Commissioners herein after appointed for that Purpose or a Majority of them, on the First Tuesdays in March, June, September, and December, in every Year, as by the Laws of this Province is provided, and shall be, by Commission to the said Justices respectively, directed.

IV. And be it further Enacted, That nothing herein contained shall be construed to debar the Sheriffs of the Counties of Johnston, Cumberland, and Orange, as the same now stand undivided, to make Distress for any Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said Counties, on the said Twelfth Day of March, in the same Manner as by Law, the said Sheriffs could or might have done if the said Counties had remained undivided; and the said Levies, Fees, and other Dues, shall be accounted for in the same Manner as if this Act had never been Made; any Thing herein contained to the contrary notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That after the said Twelfth Day of March, the said County of Johnston shall be, continue, and remain Part of the District of the Superior Court of Justice held for the District of New Bern; and that the said County of Wake shall be, continue, and remain Part of the District of the Superior Court of Justice held for District of Hillsborough.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of Wake for the Time Being, after the said Twelfth Day of March, shall account with and pay to the Public Treasurer of the Southern District of this Province for the Time Being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner and under the like Pains and Penalties, as other Sheriffs in the said District.

VII. And be it further Enacted by the Authority aforesaid, That Joel Lane, Theophilus Hunter, Hardy Sanders, Joseph Lane, John Hinton, Thomas Hines, and Thomas Crawford, Esquires, or a Majority of them, be and are hereby appointed Commissioners, to agree upon, appoint and lay off, a proper and convenient Place, for erecting and Building a Court House, Prison, and Stocks, for the Use of the said County of Wake; and that Joel Lane, James Martin, and Theophilus Hunter, Esquires, or the Majority of them, or their Survivors, be and are hereby appointed Commissioners; and impowered and directed to agree and contract with Workmen, for erecting and Building a Court House, Prison, and Stocks, for the Use of the said County of Wake:

And that Benjamin Williams, John Smith, Jun., and William Bryan, Esquires, or the Majority of them, or their Survivors, be, and are hereby appointed Commissioners, and impowered and directed to agree and contract with Workmen, for erecting and building a Court House, Prison, and Stocks, for the Use of the said County of Johnston.

VIII. And for reimbursing the Commissioners the Money they shall expend in erecting the said Buildings; Be it further Enacted, by the Authority aforesaid, That the Justices of the Inferior Courts of the said Counties of Johnston and Wake respectively, be, and are hereby impowered, directed and required, to lay such a Poll Tax on each Taxable Person in the said Counties respectively, as shall be sufficient to defray the Costs and Expences necessarily laid out and expended in erecting, building and compleating the same; and all Persons in either of the said Counties, who shall neglect to pay the said Tax till after the Tenth Day of March in each Year, shall thereafter be liable to the same Distress as for non-Payment of Public Taxes; and the Sheriff of each of the said Counties is hereby required and directed, on or before the Tenth Day of June, in the said Years respectively, to account for and pay the Money so by him to be collected to the Commissioners aforesaid, after deducting Eight per Cent for his Trouble in collecting the same; that is to say, so much thereof as shall be levied on the Taxable Persons in the County of Johnston, to the aforesaid Benjamin Williams, John Smith, and William Bryan, the Survivor or Survivors of them; and such Part of the same as shall be levied on the Taxable Persons in the County of Wake, to the aforesaid Joel Lane, James Martin, and Theophilus Hunter, the Survivor or Survivors of them; and in Case of Failure or Neglect therein by the Sheriff, he shall be liable to the same Penalties, Restrictions, Process, and Remedy, for enforcing the Payment thereof, as by law may be had against Sheriffs who neglect or refuse to account for and pay Public Taxes.

IX. And be it further Enacted, by the Authority aforesaid, That the Justices of Johnston County Court shall and may, and they are hereby Authorized, impowered and directed, to hear, try, and determine, all Causes which were pending in the said County Court of Johnston, and undetermined, on the said Twelfth Day of March, and to give Judgment and award Execution thereupon, in the same Manner, to all Intents and Purposes, as the Justices of Johnston County Court might or could have done if the said County had remained undivided; Any Law, Usage or Custom to the contrary notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That after the said Twelfth Day of March, it shall and may be lawful for the Justices of the Inferior Courts of the Counties of Johnston and Wake, to nominate and appoint the following Number of Freeholders, to serve as Grand and Petit Jurors, at the respective Districts aforesaid; that is to say, Johnston Four Jurors, and Wake Six Jurors; any Law Usage or Custom, to the contrary, notwithstanding: A List of which Jurors so nominated, shall be delivered by the Clerk of the respective Counties to the Sheriff, who shall, and is hereby required, to summons the Persons so nominated to serve as Jurymen at the Superior Court of the District; which Jurymen so nominated shall have and receive the same allowance, and shall be under the same Rules, Fines, and Restrictions, as other Jurymen are in the respective Counties of this Province.

XI. And whereas by the Laws now in Force, Ten Jurors are sent to the Superior Court of the District of New Bern for the County of Dobbs, and it being now thought unnecessary that the same Number be hereafter sent: Be it Enacted, by the Authority aforesaid, That from and after the passing

of this Act, Six Jurors only be sent to the Superior Court of the District of New Bern for the said County; any Law, Usage, or Custom, to the contrary, notwithstanding.

XII. And be it further Enacted, by the Authority aforesaid, That the Vestry of the Parish of St. Stephen, in Johnston County, as the same now stands undivided and entire, shall from henceforth be, and is hereby dissolved and made void, to all Intents and Purposes. Provided nevertheless, That all Acts of the said Vestry, heretofore legally made and done, are hereby declared to be as good and Valid, as if this Act had never been made.

XIII. And be it further Enacted by the Authority aforesaid, That the Freeholders of the Parish of St. Margeret, in the County of Wake, shall, and they are hereby impowered, required, and directed, to meet at the Place to be appointed by the Commissioners, for appointing a proper and convenient Place for building a Court House, Prison, and Stocks, in the said County of Wake, on Easter Monday next after the passing of this Act, then and there to elect and Choose Twelve Freeholders of the said Parish to serve as Vestrymen for the said Parish of St. Margaret's: And the Freeholders of the Parish of St. Stephen, in the County of Johnston, shall, and they are hereby impowered, directed, and required, to meet at Captain John Smith's aforesaid, on Easter Monday next after the passing hereof, then and there to elect and choose Twelve Freeholders of the said Parish to serve as Vestrymen of the said Parish; which Elections shall be made by the Sheriff of Johnston County, as the same now stands undivided; under the like Rules and Restrictions, Pains and Penalties, as well in respect to the said Sheriff as the Freeholders of the said Parishes, as other Elections of Vestries in this Province are by Law appointed to be made: And the Freeholders so elected Vestrymen for the said Parishes respectively, after taking the Oaths by Law appointed for their Qualification, shall be, and they are hereby declared to be from thenceforth the Vestries of the said Parishes respectively; and are hereby required to exercise and use the same Powers and Authorities, as other Vestries in this Province may, can, or ought to exercise.

XIV. And be it further Enacted, by the Authority aforesaid, That Joel Lane, John Smith, Theophilus Hunter, Farquard Campbell, and Walter Gibson, or any Three of Them, be, and they are hereby appointed Commissioners, and impowered and required to run the said Dividing Line between the Counties aforesaid, agreeable to the Directions of this Act; which said Lines when run by the Commissioners aforesaid, or any Two of them, shall be by them entered on Record in the Court of each of the said Counties of Johnston and Wake, and shall thereafter be deemed and taken to be the Dividing Lines between the said Counties.

XV. And for defraying the Charges of running the said Line, Be it further Enacted by the Authority aforesaid, That the Inferior Courts of each of the said Counties of Johnston and Wake shall lay such a Poll Tax on the Inhabitants of their respective Counties (which shall be levied in the same Manner as other Public Taxes) as shall be sufficient to pay and satisfy their respective Commissioners for the Charge and Trouble in running the aforesaid Line.

XVI. Provided always, That nothing herein contained shall be construed, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs or Successors, of Granting Letters of Incorporation to the said County of Wake; of ordering, appointing, and directing, the Election of Members to represent the same in Assembly; in granting Markets and Fairs to be kept and held in the said County of Wake; but that

the said Right and Prerogative, shall and may, at all Times hereafter, be exercised therein by his Majesty, his Heirs or Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been Made.

CHAPTER XXIII.

An Act for Vesting the School House in Edenton in Trustees.

I. Whereas the Inhabitants of the Town of Edenton, for the promoting the Education of Youth, and Encouragement of Learning, have by Voluntary Subscription purchased Two Lots, and erected a convenient School House thereon, in an agreeable and healthy Situation in the said Town: Therefore, for the rendering more Useful and effectual so laudable an Undertaking;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the said House, with the said Two Lots of Land, be, and are hereby vested in Joseph Blount, Joseph Hewes, Robert Hardy, Thomas Jones, George Blair, Richard Brownrigg, and Samuel Johnston, Esqrs., and their Successors forever, as Trustees for the several Purposes herein after Mentioned; and on the Death or Removal out of Chowan County of any of the said Trustees, it shall and may be lawful for the Majority of the remaining Trustees, to elect and choose another Trustee or Trustees, in the Room and Stead of him or them so dying or removing.

III. And be it further Enacted, by the Authority aforesaid, That the said Trustees, or a Majority of them, are hereby impowered to receive and take all such voluntary Subscriptions or Donations as any Person or Persons may think proper to bestow, for enlarging, improving and endowing the said School; and also to agree with, and employ One or more Person or Persons, of approved Morals, and well instructed in the Languages, to preside in, and keep the said School; and on the Misbehavior of the said School Master or School Masters, to remove him or Them, and to appoint another or others in his or their stead; and from Time to Time, to make and ordain such other Rules, Orders, and Regulations, for the Well Ordering and Good Government of the said School, as to them shall seem Meet and convenient; provided the said Rules correspond, and be, as near as may be, agreeable to the Laws of Great Britain and this Province.

IV. Provided always, That no Person shall be admitted to be Master of the said School, but who is of the Established Church of England; and who, at the Recommendation of the Trustees, or a Majority of them, shall be duly licensed by the Governor, or Commander in Chief for the Time Being.

CHAPTER XXIV.

An Act for erecting a new County between the Towns of Salisbury and Hillsborough by taking Part of the Counties of Orange and Rowan.

I. Whereas the great Extent of the Respective Counties of Rowan and Orange render the Attendance of the Inhabitants of Part of Rowan County, and the Inhabitants of the Upper Part of Orange County, to do Public Duties in their Respective Counties, extremely Difficult and Expensive: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That a Line beginning at a Point Twenty Five Miles

due West of Hillsborough, running thence North to the Virginia Line, then West to a Point due North of the Painted Springs, then South to Anson Line, then along Anson and Cumberland Lines to a Point due South of the Beginning, then North to the Beginning, be erected into a Distinct County, by the Name of Guilford and Unity Parish.

III. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That from and after the first Day of April next, an Inferior Court of Pleas and Quarter Sessions be constantly held for the said County on the Second Tuesdays in February, May, August, and November, at the House of Mr. Robert Lindsay, by commission to the Justices, in the same manner as other Inferior Courts of Pleas and Quarter Sessions are held within this Province; and the said Inferior Court shall take Cognizance of all Matters, Suits, and Things, and is hereby vested with the same Powers, Jurisdictions, and Authorities, as any other Inferior Court shall or can have within this Province.

IV. And be it further Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Guilford, are hereby directed to meet on the second Tuesday in May next, at the House of Mr. Robert Lindsay aforesaid, and take the Oaths appointed for their Qualification; and the Justices of the said County of Guilford, or any Three of Them, after being so qualified, shall hold an Inferior Court of Pleas and Quarter Sessions, at the Times and Places herein before appointed: And the said Justices of the Peace, and every of them, at all Times during their Continuance in Office, as well within the Inferior Courts of Pleas and Quarter Sessions as without, shall have and exercise the same Powers and Authorities, and be subject to the same Penalties and Forfeitures as other Justices of the Peace of the several Counties within this Province are liable.

V. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings be laid on each Taxable Person of the said County of Guilford, for Three Years, for Building a Court House, Prison, and Stocks, in the said County; which said Tax shall be collected by the Sheriff of the said County, at such Times, and in the same Manner, as other Taxes are collected, and shall be paid to the Person or Persons who shall be empowered to receive the same.

VI. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the County of Rowan, or the Sheriff of the County of Orange, as the said Counties stand respectively undivided, to make Distress for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said Counties on the First Day of April next, in the same Manner as by Law the said Sheriffs respectively might or could do if the said Counties had remained undivided; and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been Made; any Thing herein contained, to the contrary, notwithstanding.

VII. And to the End that no Action commenced in Rowan County, or Orange County, be defeated by the Division aforesaid; Be it Enacted by the Authority aforesaid, That where any Action already Commenced in Rowan County, or Orange County, and the Parties or Evidences shall be Inhabitants of Guilford County, all Subsequent Process against such Parties or Witnesses shall be directed to be Executed by the Sheriff of Rowan, if such Action was commenced in the County of Rowan or by the Sheriff of Orange, if such Action was commenced in the County of Orange, to the End and Final Determination of the said Causes; any Law, Usage or Custom to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act the said County of Guilford, shall be and continue Part of the District of the Superior Court held for the District of Salisbury; and the Justices of the said County of Guilford shall, and are hereby directed, at the Court to be held for the said County next preceding every Superior Court, to nominate Six Freeholders to serve as Grand and Petit Jurors at such Superior Court, a List of such Jurors so nominated shall be delivered by the Clerk of such Court to the Sheriff, who shall, and is hereby required, to summons such Persons so nominated to serve as Jurymen at such Superior Court of Justice held for the District of Salisbury; which Jurymen so nominated shall have and receive the same Allowance, and shall be under the same Rules, Fines and Restrictions, as other Jurymen are in the respective Counties in this Province. And the Sheriff of the said County of Guilford shall from Time to Time account for and pay to the Public Treasurer of the Southern District of this Province, for the Time being, all public levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the same Pains and Penalties, as other Sheriffs of the said District.

IX. And whereas the Jurors appointed by Law to serve at the Superior Court for the District of Salisbury, were limited to Ten for Anson County, Eight for Mecklenburg, and Six for Tryon County; Be it Enacted by the Authority aforesaid, That the Jurors attending the said Superior Court after the passing of this Act, shall be only Six for the County of Anson, and Six for the County of Mecklenburg; any Thing in any Former Law contained to the contrary notwithstanding.

X. And be it further Enacted by the Authority aforesaid, That the several Sheriffs to be commissioned for the County of Guilford shall be in the same Manner as is directed for appointing and commissioning Sheriffs in the other Counties in this Province; which Sheriffs so commissioned shall account with, and pay to the Treasurer of the Southern District, all Monies which he shall or ought to receive, in the same Manner as other Sheriffs, and shall have the same Powers and Authorities, and be liable to the same Fines, Forfeitures and Penalties, as are directed and inflicted by several Acts of Assembly of this Province.

XI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, herein after appointed, are hereby empowered and directed to employ Workmen for building a Court House, Prison and Stocks, in the said County, for the Use of the said County of Guilford; and the said Court, and all Causes, Matters and Things, in the same depending, after such Court House shall be built, shall stand adjourned from the Place where the Court should before have been held, to the Court House.

XII. And be it further Enacted, by the Authority aforesaid, That John Pryor, Edmund Fanning, Alexander Martin, Matthew Locke, John Dunn, Griffith Rutherford, and John Campbell, Esquires, or the Majority of them, be, and they are hereby appointed commissioners for laying off and appointing a Place, and thereon erecting a Court House, Prison and Stocks, for the said County of Guilford, and for running the Dividing Lines between the said County of Guilford and the Counties of Orange and Rowan, agreeable to the Directions in this Act before Mentioned; which said Commissioners shall be paid their necessary Expences for running the said Lines by the County of Guilford, out of the County Tax.

XIII. Provided always, That nothing herein contained shall be construed, deemed, or taken, to alter or derogate from the Right and Royal Prerogative

of his Majesty, his Heirs and Successors, for granting Letters of Incorporation to the said County of Guilford, and the Direction of a Member or Members to represent the said County in the General Assembly of this Province, or granting Markets and Fairs, to be kept and held therein; but that the Right and Royal Prerogative shall and may at all Times hereafter, be exercised therein by his said Majesty, his Heirs and Successors, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if this Act had never been Made.

XIV. And be it further Enacted, by the Authority aforesaid, That the Freeholders of the said Parish of Unity, shall on next Easter Monday, meet at the Place where the Inferior Court of the County of Guilford is held, then and there to choose and elect vestrymen for the said Parish of Unity; which Vestrymen so chosen shall be invested with the same Powers and Authorities, and liable to the same Rules, Restrictions, and Penalties, as other Vestries are by Law subjected to; which Vestrymen so chosen and elected shall be, and remain the Vestry of the said Parish of Unity, until the Time by Law appointed for the Election of Vestrymen throughout this Province.

CHAPTER XXV.

An Act for authorizing Presbyterian Ministry, regularly called to any Congregation within this Province, to solemnize the Rites of Matrimony, under the Regulations therein mentioned.

(Repealed by Proclamation.)

CHAPTER XXVI.

An Act to amend and Continue an Act, For facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort.

I. Whereas many Ships and Vessels bound into Oacock Inlet are frequently detained on the Outside of the said Inlet by the Negligence of the Pilots, to the great Injury of the Persons concerned in the said Ships and Vessels: And whereas the Rates allowed for piloting Vessels into the said Inlet, by the before recited Act, are inadequate to the Expence of Boats and Hands proper to be employed in such Service:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the authority of the same, That from and after the First Day of March next, there shall be paid and allowed to every Branch Pilot, who shall be provided with a good Decked Boat, well fitted with Sails and Rigging, and who shall take Charge of any Ship or Vessel at Sea, the following Pilotage; that is to say, For every Ship or Vessel that drawn Nine Feet of Water, or less, from the outside of the Bar of Oacock into Beacon Island Road, or any other Harbour where Vessels usually anchor at, Four Shillings Proclamation Money, per Foot. And for every Vessel drawing Nine Feet Water, or upwards, Five Shillings, Proclamation Money, per Foot; and that the Pilotage outwards be and remain the same as mentioned in the before recited Act.

III. And for the further Encouragement of Pilots to board Vessels at Sea, Be it further Enacted by the Authority aforesaid, That when any Pilot shall offer his Service to any Master of a vessel, bound into the said Inlet of Oacock, he shall be entitled, although the Master of such Vessel shall

refuse to employ him, to the same Fees to which he would have been entitled to if he had taken Charge of the said Vessel, and the Master shall be obliged to pay the same accordingly; And if any Ship or Vessel coming into the said Inlet of Ocacock, and taking a Pilot on Board, shall be by contrary Winds, or otherwise, drove off the Coast, the Master or Owner of such Vessel shall allow and pay the said Pilot Two Shillings and eight Pence, for each and every day he shall be on Board the said Vessel, over and above his Pilotage.

IV. And be it further Enacted by the Authority aforesaid, That when any Branch Pilot shall see any Vessel on the Coast, having a Signal for a Pilot, and shall neglect or refuse to go to the Assistance of such Vessel, on proper Proof being made of such Neglect or Refusal, shall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, in any Court of Record in this Province; the One Half to the Informer, the other Half to the Master or Owner of such Ship or Vessel.

V. And be it further Enacted by the Authority aforesaid, That when any Ship or Vessel, bound to either of the Ports of Roanoke, Bath or Beaufort, having the Small Pox, or any other Infectious Distemper on Board, the Master and Pilot of such Ship or Vessel shall give immediate information thereof to the Commissioners of the Navigation of the Port they are bound to; and the said Commissioners, or any Three of them, are hereby impowered and directed to order and command the said Master of such Ship or Vessel to perform Quarantine with his said Vessel, at such Place and Number of Days, as they shall think necessary: And if the said Pilot or Master shall neglect or refuse to give such Information, they shall forfeit and pay the sum of One Hundred Pounds, Proclamation Money; to be recovered and applied in the same Manner as other Fines and Forfeitures are directed in the before recited Act.

VI. And be it further Enacted by the Authority aforesaid, That Christopher Neale, Jacob Shepherd, and Richard Ellis, Esquires, be appointed commissioners for the Port of Beaufort, in the Room of Gabriel Cathcart, Thomas Clifford Howe, and John Smith, deceased; and Daniel Maxwell for the Port of Bath, in the Room of Peter Blinn, deceased.

VII. And be it further Enacted, by the Authority aforesaid, That the Commissioners of Port Bath be, and they are hereby authorized and impowered to order and direct the Persons appointed by them to stake out the channel leading from Ocacock to the said Port of Bath, to put and Keep up Stakes, at necessary Places in the River Pamlico, to the Mouth of Tranter's Creek; any Thing in the before recited Act to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That this and the before recited Act, shall continue and be in Force and during the Term of Ten Years, from the passing of this Act, and from thence to the End of the next Session of Assembly.

CHAPTER XXVII.

An Act for establishing a New County between Campbleton and Hillsborough, by taking the Southern Part of the Inhabitants of Orange County, and by erecting the same into a Distinct County, by the Name of Chatham County, and St. Bartholomew Parish.

I. Whereas the great extent of the County of Orange render the Attendance of the Inhabitants of the Southern Part thereof to do public Duties extremely Difficult and expensive; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of April next, the Inhabitants of the County of Orange, lying to the South of a Point Sixteen Miles due South of Hillsborough, and bounded as follows, to-wit, Beginning at the aforesaid Point, running thence due West of Guilford County Line; thence South along Guilford County Line to Cumberland County Line; thence along Cumberland and Wake County Lines to a Point due East of the Beginning; thence due West to the Beginning; be erected into a Distinct County, by the Name of Chatham County, and St. Bartholomew Parish.

III. And for the due administration of Justice; Be it Enacted by the Authority aforesaid, That from and after the said First Day of April next, an Inferior Court of Pleas and Quarter Sessions be constantly held for the said County of Chatham, on the First Tuesdays in February, May, August, and November, in every Year at Captain Stephen Poe's House, by Commission to the Justices, in the same Manner as other Inferior Courts of Pleas and Quarter Sessions are held within this Province; and the said Inferior Court shall take Cognizance of all Matters, Suits, Things, and is hereby vested with the same Powers, Jurisdictions and Authorities, as any other Inferior Court shall or can have within this Province.

IV. And be it further Enacted by the Authority aforesaid, That the said Justices to be appointed for the County of Chatham aforesaid, are hereby directed to meet on the First Tuesday in May next, at Stephen Poe's aforesaid, and take the Oaths appointed for their Qualifications; and the Justices of the said County of Chatham, or any Three of them, after being so qualified, shall hold an Inferior Court of Pleas and Quarter Sessions, at the Place and Times hereinbefore appointed; and every of them, at all Times during their Continuance in Office, as well within the Inferior Court of Pleas and Quarter Sessions as without, shall have and exercise the same Powers and Authorities, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this Province are liable to.

V. And be it further Enacted by the Authority aforesaid, That a Poll Tax of Two Shillings, be laid on each Taxable Person of the said County of Chatham, for Three Years, for building a Court House, Prison, and Stocks therein; which Tax shall be collected by the Sheriff of the County aforesaid, at such Times, and in the same Manner as other Taxes are collected; and shall be paid to the Person or Persons who shall be impowered to receive the same.

VI. And be it further Enacted by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the County of Orange as the said Counties stand undivided, to make Distress for any Taxes, Levies, Fees, or other Dues that shall be due from the Inhabitants of the said County, on the First Day of April next, in the same Manner as by Law the said Sheriff might or could do if the said counties had remained undivided; and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been made: Any Thing herein contained to the contrary notwithstanding.

VII. And to the End that no Action commenced in Orange County be defeated by the Division aforesaid; Be it Enacted by the Authority aforesaid, That where any Action is already commenced in Orange County, and the Parties or Evidences shall be Inhabitants of Chatham County, all subsequent Process against such Parties or Witnesses, shall be directed to be executed by the Sheriff of Orange, to the End and Final Determination of said Causes: Any Law, Usage or Custom to the contrary, notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Chatham shall be and continue Part of the District of the Superior Court of Justice held for the District of Hillsborough, at the Town of Hillsborough; and the Justices of the said County of Chatham shall, and they are hereby directed, at the Court to be held for the said County, next preceding every Superior Court, to nominate eight Freeholders, to serve as Grand and Petit Jurors at such Superior Court; and a List of such Jurors so nominated, shall be delivered by the Clerk of such Court to the Sheriff who shall, and is hereby required, to summons such Persons so nominated to serve as Jurymen at such Superior Court of Justice to be held for the District of Hillsborough; which Jurymen so nominated, shall have and receive the same allowance, and be under the same Rules, Fines and Restrictions, as other Jurymen are in the Respective Counties in this Province: And the Sheriff of the said County of Chatham shall, from Time to Time, account for and pay to the Public Treasurer of the Northern District of this Province, for the time being, all Public Levies by him Collected, or wherewith he shall stand chargeable, in the same Manner, and under the same Pains and Penalties as other Sheriffs of the said District.

IX. And whereas the Jurors appointed by Law to serve at the Superior Court for the District of Hillsborough, were limited to thirty Six for Orange County; Be it Enacted by the Authority aforesaid, That the Jurors attending the said Superior Court, after the Passing of this Act, shall be only Twenty two for said County: Any Thing herein contained to the contrary notwithstanding.

X. And be it further Enacted by the Authority aforesaid, That the several Sheriffs to be commissioned for the said County of Chatham shall be in the same Manner as is directed for appointing and commissioning Sheriffs in the other Counties in this Province; which Sheriffs so commissioned shall account with, and pay to the Treasurer of the Northern District, all the Monies which he shall or ought to receive, in the same Manner as other Sheriffs, and shall have the same Powers and Authorities, and be liable to the same Fines, Forfeitures, and Penalties, as are directed and Inflicted by the several Acts of Assembly in this Province.

XI. And be it further Enacted, by the Authority aforesaid, That the Commissioners or a Majority of them, hereinafter appointed, are hereby empowered and directed to employ Workmen to build a Court House, Prison, and Stocks in the said County, for the Use thereof; and the said Court and all Causes, Matters and Things, in the same depending, after such Court House shall be so built, shall stand adjourned from the Place where the Court shall before have been held, to the Court House.

XII. And be it further Enacted, by the Authority aforesaid, That Edmund Fanning, Mark Morgan, Richard Parker, Stephen Poe, and Richard Cheek, or a Majority of them, be, and they are hereby appointed Commissioners to lay off and appoint the Place Where the Court House, Prison and Stocks, for the Use of the said County of Chatham, shall be built, and there to erect, or cause the same to be erected, and to run the dividing Line between the County of Orange and the said County of Chatham, agreeable to the Directions in this Act before mentioned; which said Commissioners shall be paid their necessary Expences for running the said Lines by the said County of Chatham, out of the County Tax.

XIII. Provided always, That nothing herein contained shall be construed, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs and Successors, for granting Letters of In-

corporation to the said County of Chatham, and the Direction of a Member or Members to represent the said County in the general Assembly of this Province, and of granting Markets and Fairs to be kept and held therein; but that the Right and Royal Prerogative shall and may at all times hereafter, be exercised therein by his said Majesty, his Heirs and Successors, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

XIV. And be it further Enacted by the Authority aforesaid, That the Vestry of the Parish of St. Matthew's, in Orange County, as the same now stands undivided and entire, shall from henceforth be, and is hereby dissolved and made void, to all Intents and Purposes.

XV. Provided nevertheless, That all Acts of the said Vestry heretofore legally made and done, are hereby declared to be good and Valid, as if this Act had never been made.

XVI. And be it further Enacted, by the Authority aforesaid, That the Freeholders of the Parish of St. Matthew, in the County of Orange, shall, and they are hereby impowered, required, and directed, to meet at the Town of Hillsborough, on Easter Monday next after the passing of this Act, then and there to elect and choose Twelve Freeholders of the said Parish to serve as Vestrymen of the said Parish of St. Matthew; and that the Freeholders of the Parish of St. Bartholomew, in the County of Chatham, shall, and they are hereby impowered, directed, and required, to meet at the House of Captain Stephen Poe, on Easter Monday next after the passing hereof, to elect and choose Twelve Freeholders of the said Parish to serve as Vestrymen of the said Parish; which Elections shall be made by the Sheriff of Orange County, as the same now stands undivided, under the like Rules and Restrictions, Pains and Penalties, as well with Respect to the Sheriff as the Freeholders of the said Parishes, as other Elections of Vestries in this Province are by Law appointed to be made. And the Freeholders so elected Vestrymen for the said Parishes respectively, after taking the Oaths appointed by Law for their Qualification, shall be, and they are hereby declared, from thenceforth to be Vestries of the said Parishes respectively; and are hereby required to exercise and use the same Powers and Authorities, as other Vestries in this Province, may, can or ought to exercise.

XVII. And whereas the Days heretofore appointed by Law for holding the Inferior Courts in the Counties of Granville, Rowan, Tyrrel, and Hyde, have been found inconvenient to those whose Business it is to attend such Courts, Be it therefore Enacted by the Authority aforesaid, That from and after the passing of this Act the Inferior Courts of Pleas and Quarter Sessions for the several Counties aforesaid shall be held on the Days following, to-wit, Granville, on the Third Tuesdays in February, May, August, and November; Rowan on the First Tuesdays in February, May, August, and November; Tyrrel on the Fourth Tuesdays in February, May, August, and November; and Hyde on the First Tuesdays in March, June, September, and December.

XVIII. And be it further Enacted by the Authority aforesaid, That all Actions, Suits, Writs, Process, Petitions, Indictments, Informations, and Presentments, whatsoever heretofore commenced in, issued from, or returnable to, the respective Courts the Time for holding of which is altered by this Act, shall be, and are hereby continued to the Particular Days and Times hereby appointed; and all Subpoenas for Witnesses, and Recognizances for the Appearance of Persons at the said Courts, as effectual as if the Particular Day for holding any of the said Courts had been mentioned therein; and the Persons summoned as Witnesses, and entering into such Recognizances, bound

to appear accordingly; any Matter or Thing in any other or former Act, to the contrary hereof notwithstanding.

CHAPTER XXVIII.

An Act to regulate the Issuing of Marriage Licenses.

I. Whereas a Practice has prevailed among some of the County Court Clerks of this Province, of writing and signing Marriage Licenses themselves, under Pretence of not being furnished with any Blank Licenses from the Governor, contrary to the True Intent and meaning of an Act, entitled, an Act to amend An Act, entitled An Act concerning Marriages: For the Prevention whereof, and that His Excellency the Governor, or Commander in Chief for the Time Being, may not be deprived of the Just Emoluments intended to be reserved to him by the aforesaid Act;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Marriages by License, shall be by License under the Hand and Seal of the Governor, or Commander in Chief for the Time Being, and not otherwise. And each and every Person solemnizing the Rites of Matrimony between any Two Persons in Virtue of a Licence otherwise granted and obtained than under the Hand and Seal of the Governor, or Commander in Chief for the Time Being, shall incur the like Penalty as if he or they had celebrated such Marriage without any License for so doing; any Seeming or apparent Permission or Authority in the aforesaid Act to the contrary hereof, notwithstanding.

III. And for compelling the Clerks of the Inferior Courts to account with the Governor, or Commander in Chief for the Time Being, for any Fees that may be received for him by Virtue of this or any other Act of Assembly, Be it further Enacted by the Authority aforesaid, That when Motion shall be hereafter made in any Court having jurisdiction Thereof, against any Clerk for Fees, which such Clerk ought to be accountable for to the Governor or Commander in Chief for the Time Being, the Sum supposed to be due shall be specified in the Notice served on such Clerk, at least Ten Days before such Motion; who on appearing thereto, shall render an Account on Oath, for all such Monies as he hath or ought to have received for such Governor or Commander in Chief and pay the same; and on Failure to do so the Court shall give Judgment for the whole Sum mentioned in such Notice and award Execution thereon.

IV. And be it further Enacted, by the Authority aforesaid, That so much of the above recited Act, and so much of any other Act or Acts as comes within the Purview of this Act, shall, from and after the passing hereof, be repealed and made null and void.

CHAPTER XXIX.

An Act for further continueing an Act, For the Restraint of Vagrants, and for making provision for the Poor; and other Purposes.

I. Whereas the Act for the Restraint of Vagrants, and for making provision for the Poor, and other Purposes, made in the Year of our Lord One Thousand Seven Hundred and Fifty Five, and continued by Two Subsequent Acts, is now near expiring; and the same being Found, by experience, to be of general Utility:

II. Be it Enacted by the Governor, Council, and Assembly, and by the

Authority of the same, That the before recited Acts, and every Clause and Article of them, and each and every of them, continue and be in Force, from and after the passing of this Act, for and during the Space of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXX.

An Act for appointing and empowering Mr. William Moore, of Tryon County, to collect and receive the Taxes which were due from the Inhabitants of the said County for the Year One Thousand Seven Hundred and Sixty Eight.

(Printed in Private Acts, *post.*)

CHAPTER XXXI.

An Act for appointing Trustees, in the Room and Place of those heretofore appointed by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Sixty Eight, entitled An Act for building a Public Gaol, and Gaoler's House, for the District of New Bern, in the Town of New Bern.

I. Whereas the Trustees appointed by the before recited Act have not proceeded to the Discharge of the Trust reposed in them, within the Time limited by the said Act:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Honorable Samuel Cornell, Esquire, Mr. Jacob Shepard, and Mr. Richard Blackledge, be, and are hereby appointed Trustees (in the Room of those appointed as aforesaid) to agree and contract with any Person or Persons for designing, Superintending, Building, and finishing the said Gaol, and Gaoler's House, in Manner as in the said recited Act is mentioned, with the same Powers, and under the same Restrictions, as the former Trustees by the before recited Act appointed.

III. And be it further Enacted by the Authority aforesaid, That the Trustees by this Act appointed shall, and they are hereby Impowered and required, to receive into their Hands all Monies heretofore collected and paid for the Purposes in the said Act mentioned, or that hereafter may become due or arising from the Taxes within the District of New Bern, for building the said Gaol, and Gaoler's House; and on Neglect or refusal, to proceed against such Delinquencies in the Manner prescribed in the said recited Act.

CHAPTER XXXII.

An Act for obtaining a Distinct and True List of the Taxable Persons in the Town of New Bern, and to empower the Sheriff to collect the Town Taxes due from the Inhabitants of the said Town.

I. Whereas there is not any Provision made in the Laws now in Force for obtaining a true and Distinct List of Taxables in the said Town, which has rendered the collecting of the Town Taxes very Difficult and uncertain: For Remedy whereof

II. Be it enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That at the First Meeting of the Commissioners of the said Town after the passing of this Act, and thereafter, at the First

Meeting, after their Election, annually they shall, and are hereby impowered and required, to appoint one of the said Commissioners to take a List of all the Male Taxables residing in the said Town, and the Commissioner so appointed is hereby impowered to administer an Oath, to the Truth of all such Lists: And the said Commissioners shall immediately give Notice by advertisement or otherwise, to the Inhabitants of the said Town, to appear before such Commissioners so appointed, and give a List of all the Male Taxables, in their respective Families, within Twenty Days after such Notice; and on Neglect or refusal, the Person or Persons so neglecting or refusing, shall be subject to the same Penalties as for neglecting to inlist their Taxables with a Magistrate for the County, which shall be recovered in the same Manner, and to the Like Uses, as the aforesaid Penalties. And the said Commissioners shall cause a Fair Copy of the Lists by him taken as aforesaid, to be delivered immediately to the Sheriff of the County of Craven; who shall, within One Month after, proceed to collect the Taxes laid on the said Inhabitants by the Commissioners of the said Town; and shall account for, and pay the same to the said Commissioners, on or before the Tenth Day of June, Yearly; under the same Rules, Restrictions, and Penalties, and entitled to the same Emoluments, and subject to the same Method of Recovery, as for non-Payment of Public Taxes.

III. And whereas the Taxes laid by the Commissioners of the said Town on the Inhabitants thereof, for several Years past, remain uncollected; and the late and present Sheriffs are in Doubt whether they are, by the Laws now in Force, enabled to distrain for the same: Be it Enacted by the Authority aforesaid, That the present and Late Sheriffs of the County of Craven, are hereby declared to have the same Power to make Distress on all Persons who are in Arrear for Taxes to the said Town as they are entitled to in collecting other Taxes.

IV. Provided nevertheless, that such Sheriffs shall not take and receive, any Fees for Distress for such Arrears of Taxes, unless the Person or Persons so in Arrear shall neglect to pay the same within Three Months after passing this Act.

V. And be it further Enacted, by the Authority aforesaid, That no Person in the said Town shall hereafter be subject to the Payment of the Town Tax, until he hath resided Three Months in the said Town.

CHAPTER XXXIII.

An Act to direct Sheriffs in levying Executions, and the Disposal of Lands, Goods and Chattels, taken thereon.

I. Whereas great Injuries have arose from disposing of Lands, Goods, and Chattels, taken on Executions, from the great Scarcity of Currency: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, no Sheriff or other Officer within this Province, to whom Execution shall be directed, shall levy the same on Lands or Negroes, where other sufficient Distress of Commodities fit for Exportation is Shewn; and every Sheriff or other Officer who by Virtue of an Execution, shall expose to sale any Lands, Goods, or Chattels, of what Kind or Nature soever, where the Sum levied for does exceed the Sum of Five Pounds, shall first summons One Justice of the Peace, and Two Freeholders of the County, one to be named by the

Plaintiff, and the other by the Defendant; and on their neglect, to be named by the Sheriff, to appear at a Particular Day and Place, to inspect and Value the same, or so much thereof, at Two Thirds of the Value, as may be sufficient to pay the Plaintiff his Debt and Costs; and the said Justices and Freeholders shall render in Writing, under their Hands and Seals, the Boundaries, Quantity, Situation, and Value of the said Lands, to the Sheriff of the County, who is hereby required to administer the following Oath:

You and each of you, do swear, that this Instrument of Writing by you produced, contain a true Valuation of one or more (as the Case may be) Tract or Tracts, Part or Parcels of Land, situate in the County of ———, on ——— or Goods (as the case may be) and taken by Virtue of an Execution, at the Instance of ———, and that you have proceeded in such Valuation upon a careful View, and according to Law, to the Best of your Knowledge and Information, without Favour or Distress to either Party. So help you God.

Which said Instrument of Writing, with the Certificate, shall be by them delivered to the Sheriff, who upon exposing such Lands, Goods, or Chattels to Sale, shall not dispose of them for a less Sum than Two Thirds of such Valuation, under the Penalty of One Thousand Pounds; to be recovered by Action of Debt, in any Court within this Province having Cognizance thereof, by and for the Use of the Party grieved.

III. And be it further Enacted by the Authority aforesaid, That if any Lands, Goods, or Chattels, be set up for Sale as aforesaid, shall not be disposed of, the Plaintiff shall take the said Goods and Chattels, and may take the Lands at two Thirds of the Value thereof; in which Case the Sheriff, or other Officer, is hereby impowered and directed to give such Plaintiff a Deed or Bill of Sale for the same, in the same Manner as he might have done had the Lands, Goods, or Chattels, been sold at Public Vendue. Provided, That Lands shall not be taken on any Execution, when there shall be Goods and Chattels sufficient to satisfy the same.

IV. Provided always, That nothing in this Act contained shall be deemed, or construed to extend to any Execution or Executions, for any Debt or Debts payable to his Majesty, to this Province, or to Merchants in Great Britain.

V. And be it further Enacted, by the Authority aforesaid, That where any Sheriff or Coroner has heretofore sold any Lands under a Late Act of Assembly, entitled, An Act to direct Sheriffs in levying Executions, and the Disposal of Lands, Goods, and Chattels, taken thereon, and hath neglected to make a good and Sufficient Title thereto, either to the Person purchasing at Vendue, or to any Plaintiff, who under the said Act has been obliged to take such Lands at Two Thirds of the Value, such Sheriff or Coroner, though he may be out of Office, shall, and is hereby required, to Seal and Execute a Deed of Bargain and Sale for such Lands, to such Plaintiff or Person who hath purchased at Vendue as aforesaid; and in Case any Sheriff or Coroner, having sold any Lands as aforesaid, who is dead or removed out of the Province, his Successor in Office is hereby impowered and required to make such Conveyance as herein next before is directed.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriff or other Officer shall be, and is hereby entitled to receive the Sum of Two Shillings and Eight Pence, for every Justice and Freeholder so summoned; and every Justice and Freeholder who shall neglect or refuse to attend, unless prevented by Sickness, or some other sufficient Cause, he or they so neglecting or refusing, shall forfeit and pay the Sum of Five Pounds; to be recovered in the Inferior Court of the County, by Action of Debt, and applied to the Use of the Parish.

VII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Two Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXXIV.

An Act for the more advantageous and Easy Manner of obtaining Partitions of Lands, in Coparcenary, Joint Tenancy, and Tenancy in Common.

I. Whereas the Proceedings by the Common Law upon Writs of Partition between Coparceners, Joint Tenants, and Tenants in Common, are tedious, chargeable, and often ineffectual; and whereas the Lands belonging to Coparceners, Joint Tenants, and Tenants in Common, frequently lie in different Counties and Districts, and great Part of the Lands in this Province are so extremely poor and barren that they will not admit of a minute Partition, as in England, where every single Acre is separately of real Value, by Reason of which Divers Persons having undivided Parts or Purparts are greatly oppressed and prejudiced, and the Premises are frequently wasted or destroyed, or lie uncultivated and unmanured, so that the Profits of the same are totally, or in a great measure lost; For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act the Demandant for the Partition of any Lands, Tenements, or Hereditaments, shall file his or her Declaration in the Office of the Superior Court where the suit shall be brought; whereupon a Summons or Summonses, together with a Copy or Copies of such Declaration, shall be issued by the Clerk of such Court, directed to the Tenant or Tenants to the Action, and returnable to the Court from whence the same issued, commanding him, her, or them to appear thereat; and if upon the Service of such Summons or Summonses, the Tenant or Tenants to the Action shall fail to appear or plead, the Court may proceed to examine the Demandants Title and Quantity of his Part and Purpart, and accordingly as they shall find his right Part and Purpart to be, they shall for so much give Judgment by Default, and Award Partition to be made according to the Rules hereafter mentioned, whereby such Proportion, Part and Purpart, may be set out severally; which having Executed, after giving Ten Days' Notice to the other Parties, or if they cannot be found, to the Occupiers or Tenants in Actual Possession of the Premises (where such Occupier or Tenant in Possession is not Demandant in the Action) and returned, and thereupon Final Judgment entered, shall be good, and conclude all Persons whatsoever, after Notice as aforesaid, whatever Right or Title they have, or may at any Time claim to have, in any of the Messuages, Lands, Tenements, and Hereditaments, mentioned in the said Judgment and Writ of Partition, although all Persons concerned are not named in any of the Proceedings, nor the Title of the Tenants truly set forth.

III. Provided always, That when the Tenant or Tenants to the Action live out of this Province, that then and in such Case a Service of the Summons, with a Copy of the Declaration, upon the Lawful Attorney of such absent Tenant or Tenants, shall be deemed a good Service; and Provided also, that in all such Cases where the Tenant or Tenants to the Action live out of this Province as aforesaid, the Court shall, before any Judgment by Default be entered as aforesaid, allow an Imparlance to the next succeeding Term, or further, as the Case may Reasonably require, in Order that such Absent

Tenant or Tenants may have Notice to appear and defend the Action, if they think fit.

IV. Provided always, That such Person or Persons concerned, or any of them against whom, or their Right or Title, any Judgment by Default shall be given, be at the Time of such Judgment under the Age of Twenty One Years, Feme Covert, of unsound Mind and Memory, or absent out of this Province, without any Attorney, lawfully and fully impowered, residing therein, may, within the Space of Five Years after the Removal of such Disability, apply themselves by Motion to the Court where such Judgment is entered: And if upon such Motion they shall show a good and probable Matter, in Bar of such Judgment, or that the Demandant hath not Title to so much as he hath recovered; then, and in such Case, the Court may suspend such Judgment, and admit the Tenant or Tenants to appear and Plead, and the Cause shall proceed according to due Course of Law, as if no such Judgment had been given; and if the Court, upon hearing thereof, shall adjudge for the First Defendant, then the first Judgment shall stand confirmed, and be good against all Persons whatsoever, except such other Person as shall be absent or Disabled as aforesaid; and the Person or Persons so appealing, shall be awarded thereupon to pay Costs, or if within such Time or Times as aforesaid, the Persons concerned admitting the Demandant's Title, Part or Purpart, shall shew to the Court any Inequality in the Partition, the Court shall award a New Valuation, and make Partition in Presence of all Parties concerned (if they will appear) notwithstanding the Return and filing upon Record of the Former Valuation; which said Second Valuation and Partition, returned and filed, shall be good and firm forever against all Persons whatsoever, except as before excepted.

V. And be it further Enacted, by the Authority aforesaid, That upon any Judgment being given for such Demandant, and the Messuages, Lands, Tenements, and Hereditaments, in such Judgment mentioned, happen to lie in different Counties, the Courts in which such Judgment shall be obtained are authorized and impowered, and they are hereby required to issue Writs, directed to the Sheriffs of the Several Counties where the Lands, Tenements, Hereditaments lie, commanding them that by Inquisition, in due Form of Law, they shall Cause the Lands mentioned in such Judgment to be valued, and such Valuation to be returned, with the Writs, under the Hands and Seals of those by whom Inquisition shall be Made; upon which the Court shall Proceed to make Partition, giving the Demandant his Part and Purpart in one County, unless where the Lands, Tenements, and Hereditaments, lie on both sides of a Water which divides two Counties and it may be necessary for the Advantage of the different Parties that such lands should not be separated or unless it should prove otherwise injurious to the parties in which case the Court shall make Partition in the most equitable manner they can.

VI. And be it further Enacted, by the Authority aforesaid, That where it shall be found necessary in order to make a more equal Partition than any of the Lands, Tenements, or Hereditaments mentioned in such judgment should be divided into two or more parts, the Court shall order a Writ or Writs of Partition to issue to the County or Counties, where such Lands, Tenements, and Hereditaments are situated commanding the Sheriff or Sheriffs of such County or Counties to make Partition of such Lands, Tenements and Hereditaments into such Proportions and Value only as shall be necessary to make, as near as may be, an equal Partition of the whole Messuages, Lands, Tenements, and Hereditaments, mentioned in such Judgment, and order the Sheriffs of such Counties respectively to put the Demandant in Possession

of his or her Particular Part, Purpart, or share thereof; which Valuation and Partition shall be returned by the Sheriff or Sheriffs as aforesaid, to remain among the Records of the Court.

VII. And be it further Enacted, by the Authority aforesaid, That where the Lands, Tenements, and Hereditaments, mentioned in any such Suit, lie in different Districts, the Court to which such Suit shall be brought may, and they are hereby authorized and required, to proceed in hearing and Determining the Demandant's Title and Claim, in the same Manner as if all the Lands, Tenements, and Hereditaments, were situated within the District of the Court in which such Suit shall be commenced; any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding.

VIII. Provided always, That no Suit for Partition of Lands, Tenements, or Hereditaments, shall be commenced in any Superior Court of this Province, unless Part of the Demandant's Claim lie within the District of the Court in which the Suit is Brought.

IX. And be it further Enacted by the Authority aforesaid, That when the High Sheriff, by Reason of Sickness, or any other Disability, cannot be present at the Execution of any Judgment in Partition; in such Case the Under Sheriff, duly appointed and qualified according to Law, in Presence of Two Justices of the Peace of the County where the Lands, Tenements, and Hereditaments, to be divided lie, shall and may proceed to Execution of any Writ or Partition by Inquisition in due form of Law, as if the High Sheriff were then personally present; and the High Sheriff thereupon shall, and he is hereby enabled and required, to make the same return as if he were personally present at such execution. And in Case such Partition be Made, returned, and Filed, he or they that were Tenant or Tenants of any of the said Messuages, Lands, Tenements, and Hereditaments, or any Part or Purpart thereof, before they were divided, shall be Tenant or Tenants for such Part, set out severally to the respective Landlords or Owners thereof, by and under the same conditions, Rents, Covenants and Reservations, where they are, or shall be so divided: And the Landlords and Owners of the several Parts and Purparts so divided and allotted as aforesaid, shall Warrant and make Good unto their respective Tenants the said Several Parts severally after such Partition, as they are or were Bound to do by any Leases or grants of their respective Parts before any Partition Made: And in Case any Demandant be Tenant in actual Possession, to the Tenant to the Action for his Part or Proportion, or any Part thereof, in the Messuages, Lands, Tenements, and Hereditaments, to be divided by Virtue of a Writ of Partition as aforesaid, for any Term of Life, Lives or Years, or uncertain Interest, the said Tenants shall stand and be possessed of the said Purparts and Proportions, for the like Term, and under the same Conditions and Covenants, as when it is set out severally, in Pursuance of this, or any other Act, Statute or Law to that Purpose.

X. And be it further Enacted, by the Authority aforesaid, That the respective Sheriffs, their under Sheriffs, and Deputies; and in Case of sickness or disability in the High Sheriff, all Justices of the Peace within their respective Counties, shall give due attendance to the executing such Writ of Partition, unless Reasonable Cause be shewn to the Court, upon Oath, and there allowed of, or otherwise be liable, every of them to pay unto the Demandant or Plaintiff, such Costs and Damages as shall be awarded by the Court, not exceeding Ten Pounds Proclamation Money; for which the Demandant may bring his Action in any Court having Cognizance thereof; wherein no Essoign, Protection, Privilege or Wager of Law, shall be allowed: And in Case the Demandant doth not agree to pay unto the Sheriffs or under

Sheriffs, Justices and Jurors, such Fees as they shall respectively demand for their Attendance in the Execution of the same, and returning thereof; then the Court shall award what each Person shall receive, having respect to the Distance of the Place from their respective Habitations, the Laws of this Province, and the Time they must necessarily spend about the same, for which they may severally bring their Actions as aforesaid.

XI. And be it further Enacted, That the Demandant in any Suit for Partition of Lands, Tenements, and Hereditaments, shall not recover Costs, unless it appears to the Court that the Tenant or Tenants to the Action, previous to its commencement, refuse to make Partition.

XII. Provided always, That this Act, nor any Thing herein contained, shall extend, or be construed to extend, to alter or abridge the Power of the Court of Chancery in this Province, in the Partition of any Lands, Tenements, or Hereditaments; any Thing herein contained to the Contrary thereof, in anywise, notwithstanding.

XIII. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Five Years, from and after the passing thereof, and to the End of the next Session of Assembly, and no longer.

CHAPTER XXXV.

An Act to prevent Card Playing, and other deceitful Gaming.

I. Whereas Card playing and other deceitful Gaming, hath been found injurious to the Inhabitants of this Province, and tend greatly to the discouragement of Industry, Corruption of Youth, and destruction of Families: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, any Tavern Keeper who shall permit or suffer any Gaming within his House, Booth, Stall, Arbour, or other Place (Whist, Quadrille, Picquet, Backgammon, and Billiards only excepted) shall for such Offence, upon conviction thereof before the Court of the County wherein the same shall be committed, forfeit his License, and be further liable to Indictment and Fine, at the Discretion of the said Court; and any Person or Persons, who shall hereafter win at any Game or Games, or by betting or Wagering in any Manner whatsoever (Horse Racing only Excepted) more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, shall, upon Conviction of the same, before any Court or Magistrate having Cognizance thereof, forfeit all such Monies, Goods, Commodities, or other Article or Articles, or the Full Value thereof; one Half to the Informer, and the other Half to be applied to the Use of the Parish wherein such Offence was committed: Provided nevertheless, That if it shall appear that such Informer was either Winner or Loser, or in anywise a Party in any such Games, the whole shall be forfeited to the Use of the Parish.

III. And be it further Enacted, by the Authority aforesaid, That upon any Information Made to a Justice or Justices of the Peace within this Province, or in view of any Justice, it shall appear that any Person or Persons have won at any Game or Games, by betting or wagering, in any Manner whatsoever, more than five Shillings, in Twenty Four Hours, or the value thereof in any Goods, Commodities, or other Article or Articles, it shall be Lawful for any such Court of Justice having Cognizance thereof and they are hereby empowered and required, to cause such Person or Persons to be

brought before such Court or Magistrate, before whom Information shall be made, to be examined on Oath concerning the said Offence; which Oath or Oaths the said Court of Justices is hereby impowered to administer, as also to examine any Witness or Witnesses concerning the same: And if it shall appear that such Person or Persons shall have won at any Kind of Game or Games, or by betting or wagering in any Manner whatsoever, more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, to award Execution against the Body, or Goods and Chattels, Lands and Tenements, of such Person or Persons so convicted, for such Sum or Sums of Money, Goods, Commodities, or other Article or Articles, which shall have been won, over and above the Value of Five Shillings in Twenty Four Hours.

IV. And be it further Enacted, That all Deeds, Bills, Mortgages, Bonds, Notes, Assumptions, Specialty or Specialties, Instrument or Instruments of Writing, which shall be hereafter given for the Payment, Security or Discharge, of any Sum or Sums of Money, Goods, Commodities or other Article or Articles, Thing or Things, whatsoever, lost at any Game or Games, or by betting or Wagering, upon due Proof thereof, shall be deemed null and Void.

V. And whereas there are many Idle, disorderly and evil-disposed Persons, who are frequently found loitering, Gaming, and misbehaving themselves, within this Province; Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful for any Justice of the Peace, and he is hereby directed and required, either on Information or Notice given Him, or on his own View, to issue his Warrant, and cause such Person or Persons to be apprehended, and on Conviction to commit such Offender or Offenders to Gaol, until he or they so Committed find Sufficient Security, in the Sum of Twenty Pounds, for his or their Good Behavior, during the Term of Twelve Months; and if any Such Offender or Offenders shall be accused and convicted a second Time, or Oftener of loitering, Gaming, or misbehaving themselves as aforesaid, he or they so offending shall forfeit and pay for each and every such Offence the Sum of Six Pounds; one Half to the Use of Him or them who shall sue for the same, and the other Half to the Church Wardens, for the Use of the Parish where such Offence was committed; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province having Cognizance thereof, wherein there shall be no Essoign, Injunction, Protection, or Wager of Law, allowed or admitted of.

VI. Provided always, That any Person or Persons aggrieved by the Judgment of any Inferior Court may, and are hereby entitled, to an Appeal to the Superior Court of the District to which such Inferior Court shall belong; And any Person aggrieved by the Judgment of any Justice of the Peace, upon Conviction for any of the Offences in this Act Cognizable before him, may appeal to the next Court to be held for the County wherein such Person shall be convicted, but shall give Notice in Writing of such Appeal to the Appellee, and shall also enter in Recognizance, with Two Securities, before any Justice of the County wherein the Judgment was given, on Condition to try such appeal at the next ensuing Court held for the same County, which shall be by the said Court then heard and Finally determined.

VII. Provided also, That no such Judgment obtained before any Justice of the Peace shall be set aside for Want of Form, wherein it shall appear to the Court that the Fact was sufficiently proved at the Trial; nor shall any Judgment be removed by any Appeal, Writ, or Process whatsoever, to any Superior Court.

VIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Five Years and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXXVI.

An Act to indemnify the several Sheriffs who have not collected the One Shilling Tax per Poll, for sinking the Twelve Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty, and the Tax of Two Shillings per Poll, for sinking the Twelve thousand Pounds granted in the Years One Thousand Seven Hundred and Sixty One; and to direct such Sheriffs who have received the said Taxes, to refund the same to the People from whom they received the said Taxes.

I. Whereas it was resolved in the Assembly in December, One Thousand Seven Hundred and Sixty Eight, that the Tax of One Shilling per Poll, for sinking the Twelve Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty, and the Tax of Two Shillings per Poll for sinking the Twelve Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty One, have had their Effect, and ought not thenceforth to be collected; and it being Doubtful whether the Sheriffs are not liable to account for, and pay the said Taxes, into the Treasury, notwithstanding the said Resolve: For Remedy whereof.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the Same, That no Sheriff, or other Collector of the Public Taxes shall be liable to account for, and pay into the Treasury, any Part of the One Shilling per Poll, for sinking the Twelve Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty, or any Part of the Tax of Two Shillings per Poll, for sinking the Twenty Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty One, which hath become due and Payable since the last Day of December, One Thousand Seven Hundred and Sixty Eight, for or on account of any Collection of Taxes; any Law, Usage or Custom, to the contrary, notwithstanding.

III. And whereas some Sheriffs hath proceeded and collected either the whole or some Part, of the said Taxes, since the passing the said Resolve, alleging that they would be liable to account for the same with the Treasurer: Be it Enacted by the Authority aforesaid That where any Sheriff or other Collector of Public Taxes, hath received from any Person or Persons whatsoever, any Part or the Whole of the aforesaid Taxes, on the Collection of any Taxes becoming due since the last Day of December, One Thousand Seven Hundred and Sixty Eight, such Sheriff or Collector shall on Request of such Person or Persons, at any Time after the Tenth Day of March next, refund and pay to the Person or Persons, from whom he received the said Tax, or any Part thereof, the whole Sum which he shall have received, on Account of the One Shilling and Two Shillings sinking Fund aforesaid; to be recovered by Warrant, from any Justice of the Peace, on the Plaintiff's producing a receipt from such Sheriff or Collector, and it appearing to the Justice that the said Taxes, or any Part were actually received by such Sheriff or collector.

IV. Provided nevertheless, That where any Sheriff or Collector who hath received the whole, or any Part of the said Taxes, and is continued in Office to collect the Taxes for the Year One Thousand Seven Hundred and Seventy, may retain such Sums as he hath received on account of the aforesaid Taxes, until he doth receive the Taxes for the Year One Thousand Seven

Hundred and Seventy; and he is then directed and required, to discount so much of the said One Shilling and Two Shilling Taxes, as he hath received heretofore according to the true Intent of this Act. And if any Sheriff or Collector of the Public Taxes, shall have paid into the Treasury any Part of the said One Shilling or Two Shilling Taxes aforesaid, which hath been collected on Account of Taxes becoming due since the last Day of December, One Thousand Seven Hundred and Sixty Eight, it shall and may be Lawful for such Sheriff or Collector to demand and receive of the Treasurer or Treasurers, to whom he shall have paid any such Taxes, all Sum or Sums of Money which the said Sheriff or Collector paid him, them, or either of them; to be recovered by Action of Debt, in the Superior Court of the District wherein the County is situated, of which such Sheriff is or was Collector.

V. And be it further Enacted, by the Authority aforesaid, That Neither of the aforesaid Taxes of One or Two Shillings, shall be demanded, taken or received, of or from any Person or Persons whatsoever hereafter, on any Pretence whatsoever.

CHAPTER XXXVII.

An Additional Act to an Act, entitled, an Act, for defraying the contingent Charges of Government.

I. Whereas the Tax laid by the before recited Act, is not sufficient to defray the charges of Government;

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That an additional Poll Tax of One Shilling, be levied on each taxable Person in this Province for and during the Term of Three Years; which said Tax shall commence for the Year One Thousand Seven Hundred and Seventy One, shall, by the several Sheriffs be collected, accounted for, and paid to the Public Treasurers, in the same Manner and under the same Rules, Restrictions, and Penalties, as other Taxes are by law to be accounted for and paid.

III. And be it further Enacted, by the Authority aforesaid, That the Monies to be raised and paid into the Treasury, by Virtue of this Act shall, by the Public Treasurers, respectively, be applied towards paying the Claims, Wages, and other Allowance made by the General Assembly of this Province.

IV. And be it further Enacted by the Authority aforesaid, That the above recited Act shall and be and continue in Force for Three Years, from and after the passing of this Act; anything in the said Act to the contrary, notwithstanding.

CHAPTER XXXVIII.

An Act to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

CHAPTER XXXIX.

An Act for ascertaining the Boundary Line between the County of Rowan, and the Counties of Mecklenburg and Tryon; and for appointing Commissioners to run the same.

I. Whereas the Boundary Line between the County of Rowan, and the Counties of Mecklenburg and Tryon, hath not as yet been ascertained, by

Reason whereof the Inhabitants within the Disputed Bounds of the said Counties refuse to give in a List of Taxables, or pay their Taxes in any of the said Counties:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, that Thomas Neal, Thomas Polk, Matthew Locke, Griffith Rutherford, and Peter Johnston, Esquires, be appointed Commissioners; and they or a Majority of them, are hereby impowered and required, to run the Dividing Line between the said County of Rowan, and the Counties of Mecklenburg and Tryon; beginning at Cold Water, where John Patterson's Upper Line crosses the Creek; thence due West until it intersects the Cherokee Indian Line; which said Line, when run by the Commissioners aforesaid, or a Majority of them, shall by them be entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the Dividing Lines between the said Counties.

III. And for defraying the Charge of Running the said Line; Be it further Enacted by the Authority aforesaid, That the Inferior Courts of each of the said Counties, shall lay a Sufficient Poll Tax on the Inhabitants of their respective Counties, which shall be levied in the same manner as other Public taxes, as shall be sufficient to pay and satisfy their respective Commissioners, for the Charge and Trouble in running the aforesaid Line.

CHAPTER XL.

An Act for securing and preserving the Titles of the Freeholders in this Province.

I. Whereas through the Neglect and Mismanagement of Persons, who have heretofore been Registers in this Province, many of the Books wherein the Conveyances of Lands within Several of the Counties are Registered, are so abused and defaced, as to be almost unintelligible, and in Danger of being entirely lost, and are some of them removed to, and dispersed in other Counties, whereby the Freeholders are in Danger of being greatly injured;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same; That the Justices of the Inferior Court of any County, or any Seven of them, at any Court held between the passing of this Act and the First Day of May, One Thousand Seven Hundred and Seventy Two, may, and are hereby impowered to appoint some Person or Persons to collect together all the Books or Papers, wherein are registered the Conveyances of Lands in their respective Counties, and to make a Fair Copy of the same into a Book or Books, well bound in Calf or Vellum; and the same being fairly copied into the said Book or Books, to present to the Court for their Approbation.

III. And the said Book or Books being approved of by the Court, in Order to prevent Frauds and correct Errors; Be it further Enacted by the Authority aforesaid, That Six Persons be appointed to examine and correct the same, in Manner following, to-wit, Two of them by the Court, Two of them by the Vestry, and the other Two of them by the Freeholders of the said County, or a Majority of them: And in Order that the Freeholders be properly convened for that Purpose, the Justices of the Inferior Court are hereby impowered, to direct the Sheriff of the said County to set up advertisements, appointing a Day for the said Freeholders to meet at the Court House of the said county, to elect and Choose the said Two Persons for the Purposes aforesaid; and the Sheriff is hereby directed to attend at the

Court House on such Day as shall be so appointed for the election aforesaid, and shall take a List of the Names of the Voters, and the Votes given in by each Freeholder in his proper Person, and the Poll kept open until Sunset; and the Sheriff shall declare the persons who have the greatest Number of Votes duly elected and shall sign the Poll, and returne the same to the next Inferior Court, to be filed by the Clerk amongst the Records of the said County, the Clerk having first made an Entry of the Names of such Persons so elected on the Minutes of the said Court; and the Person so appointed and elected as aforesaid, having examined the said Book or Books, and compared them with the Originals, and corrected any errors that they may find in the same, shall certify the same, on Oath in Open Court; which Certificate shall be entered on the minutes of the said Court, and also in the said Book or Books; which Certificate so entered in the said Book or Books, shall be signed by such Persons so appointed as aforesaid to examine the same, and be attested by the Clerk in open Court: And all Deeds and Conveyances of Lands, inserted in the said Book or Books as aforesaid, from the old Registers, Books, and Papers, shall be deemed and taken to be duly Registered and Certified Copies from the said Book or Books, and shall be of equal validity with Copies of Deeds from any other Register's Office within this Province; any Law, Usage, or Custom, to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any person or Persons, so appointed and elected as aforesaid, to collect the Books and Papers wherein any Conveyance of Land within the said Counties are registered, to demand and receive the said Books and Papers from every Person or Persons who may have the same, or any of them, in his or their Possession: And in Case of the Refusal of any such Person or Persons, so possessed as aforesaid, it shall and may be lawful for the Superior Court of the District, on Motion, after Ten Days previous Notice given to such Person or Persons so refusing, and on the said Facts appearing sufficiently to the Court, to order and adjudge he or they be committed to close Gaol, without Bail or Mainprize, until he or they shall cause the said Books and Papers by him possessed to be delivered to the Person or Persons to receive the same, and shall also pay and satisfy all such Costs as may accrue by Reason of such Motion.

V. And be it further Enacted, by the Authority aforesaid, That the Inferior Court of the County where the said Records shall be so examined and compleated, shall deliver to the Register of such County the said Books, to be by him kept as usual.

VI. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said Court to make such Reasonable Allowance as may be thought necessary to such Persons as shall be appointed and elected for the Purpose aforesaid, to be paid out of the County Tax.

VII. And whereas many Conveyances for Lands in the said Counties, certified by the Register to have been registered, are not to be found in any of the Register's Books for the respective Counties; Be it therefore Enacted, by the Authority aforesaid, That any Person producing to the Register of the County whereof he is Register any Deed of Conveyance for Lands in the said County, with a Certificate thereon endorsed, of the same having been duly proved before the Inferior Court of the said County, or the Chief Justice, or one of the Associate Justices, shall be entitled to have the same Registered; and the Register of the same County is hereby required to register the same, if such Conveyance be not found in the Books, notwithstanding such Certificate of Registration.

CHAPTER XLI.

An Act to alter the Method of working upon the Roads in the County therein Mentioned.

(Printed in Private Acts, *post.*)^a

CHAPTER XLII.

An Act for dividing the Northern Part of Rowan County, and erecting a new County and Parish, by the Name of Surry County and St. Jude's Parish.

I. Whereas the large Extent of the County of Rowan, renders it grievous and Burthensome to many of the Inhabitants thereof to attend the Courts and general Musters, and other Public Meetings appointed therein;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of April next, the said County of Rowan be divided by a Line, beginning at a Point Forty Two Miles North of Earl Granville's Line, on Guilford County Line; thence running North to the Virginia Line; thence Westwardly along the Mountains to the Ridge that divides the Waters of Yadkin and the Catawba Rivers; thence along the said Ridge to the North West Corner of Rowan County; then East along Rowan county Line to the Beginning, be thenceforth erected into a Distinct County and Parish, by the Name of Surry County and St. Jude's Parish.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That after the aforesaid First Day of April, a Court for the aforesaid County of Rowan be constantly held by the Justices thereof, at the Court House in the said County at Salisbury, on the First Tuesdays in February, May, August, and November, in each Year; and also that a Court for the said County of Surry, be constantly held by the Justices thereof, at Gideon Wright's, on the Third Tuesdays in February, May, August and November, in every Year, as by the Laws of this Province is provided, and shall be by commission to the Justices of the said Counties respectively directed.

IV. And be it further Enacted, by the Authority aforesaid, that nothing herein contained shall be construed to debar the Sheriff of the said County of Rowan, as the same stands now undivided, to make Distress for any Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the said First Day of April, in the same Manner as by Law the said Sheriff could or might have done, if the said County had remained undivided; and the said Levies, Fees and other Dues, shall be collected and accounted for in the same Manner, as if this Act had never been made; any Thing herein contained to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That after the First Day of April, the said County of Surry shall be, continue and remain. Part of the District of the Superior Court of Justice usually held for the District of Salisbury; and the Sheriff of the said County of Surry shall, from Time to Time, account for and pay to the Public Treasurer of the Southern District of this Province, for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties, as other Sheriffs.

VI. Provided always, That nothing herein contained shall be construed to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs and Successors, of granting Letters of Incorporation to the said Counties; and of ordering, appointing, and directing the election of a Mem-

ber or Members to represent them in Assembly; and of granting Markets and Fairs, to be kept and held in them respectively; but that the said Right and Prerogative shall and may, at all Times hereafter, be exercised therein by his said Majesty, his Heirs and Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

VII. And be it further Enacted, by the Authority aforesaid, that Griffith Rutherford, John Dunn, Matthew Locke, Martin Armstrong, and Anthony Hampton, Esquires, be appointed commissioners; and they are hereby empowered and required to run the said Dividing Lines between the Counties of Rowan and Surry, agreeable to the Directions of this Act; which said Lines when run by the Commissioners or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the Dividing Lines between the said Counties of Rowan and Surry.

VIII. And be it further Enacted by the Authority aforesaid, That the said Griffith Rutherford, John Dunn, Matthew Locke, Martin Armstrong, and Anthony Hampton, the Survivor or Survivors of them be, and they are hereby empowered and directed, to agree and contract with Workmen for erecting and Building a Court House, Prison, and Stocks, for the Use of the said County of Surry, at such Place as they, or the Majority of them, or their Survivors, shall agree upon.

IX. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings; Be it further Enacted, by the Authority aforesaid, That a Poll-Tax of Two Shillings Proclamation Money, per Annum, shall be levied on each Taxable Person, in the said County of Surry, for three Years next after the said First Day of April: And all Persons who shall neglect to pay the said Tax till after the Tenth Day of March in each Year shall be thereafter liable to the same Distress as for non-Payment of Public Taxes; and the Sheriff of the said County is hereby required and directed, on or before the Tenth Day of June in the said Years, respectively, to account for and pay the Money so by him collected, to the Commissioners aforesaid, after deducting Eight Per Cent. for his Trouble in Collecting the same: And in Case of Failure or Neglect therein by the Sheriff, he shall be liable to the same Penalties as by Law may be had against Sheriffs who neglect or refuse to account for and pay any Public Taxes.

X. And for defraying the Charges of running the said Lines between the Counties of Rowan and Surry; Be it Enacted by the Authority aforesaid, That the Inferior Court of the said County of Surry, shall lay a sufficient Poll-tax on the Inhabitants of their Said County; which shall be levied in the same Manner as other Public Taxes, to pay and satisfy their said Commissioners for the Charge and Trouble in running the aforesaid Lines.

XI. And whereas the Number of Jurors to serve at the Superior Court for the District of Salisbury, for the County of Rowan, were formerly eleven Grand Jurors and Eleven Petit Jurors; Be it Enacted by the Authority aforesaid, That the Justices of the said County of Rowan, shall for the future, appoint only Six Persons to serve as Grand Jurors, and Six Persons to serve as Petit Jurors, at the said Superior Court of Salisbury: Any Law, Usage, or Custom to the contrary, notwithstanding.

XII. And be it further Enacted by the Authority aforesaid, That the Justices of the Inferior Court of Surry County shall, and they are hereby directed, before every Superior Court held for the District of Salisbury aforesaid, to nominate and appoint Six Freeholders to serve as Grand and Petit Jurors at such Superior Court: A List of which Jurors so nominated, shall be delivered by the Clerk of such Court to the Sheriff, who shall, and is

hereby required, to summons the Persons so nominated to serve as Jurymen at the said Superior Court; which Jurymen so Nominated, shall have and receive the same Allowance, and shall be under the same Rules, Fines, and Restrictions, as other Jurymen in the Respective Counties in this Province.

XIII. And be it further Enacted, by the Authority aforesaid, That the Freeholders of the said County of Surry, shall, on Easter Monday next, meet at the Place where the Inferior Courts of the said County are to be held; then and there to choose and elect Vestrymen: Which Vestrymen so Chosen, after taking the Oaths by Law appointed for their Qualification, shall be, and are hereby invested with as full Power and Authority, and liable to the same Rules, Restrictions, and Penalties, as the Vestries are by Law subject to; and shall be and remain the Vestry of the said Parish and County, until the Time by Law appointed for the Election of Vestrymen throughout the Province.

XIV. And whereas some Doubts have arisen, how far the breaking of the last Superior Court of Justice held for the District of Hillsborough, by the Insurgents, without a Regular Adjournment thereof to the next term, may affect the Operation in Law of the Actions, Writs, Suits, Processes, and Recognizances, returnable to, or depending in the said Court: For removing of which Doubts, Be it Enacted, by the Authority aforesaid, That all Actions, Suits, Writs, Process, Petitions, Indictments, Informations and Presentments whatsoever heretofore Commenced in, issued from, or returnable to the said Court, the adjournment whereof to the Term in Course was prevented as aforesaid, shall be, and are hereby continued to the next Term in Course: And all Subpoenas for Witnesses, and Recognizances for the Appearance of Persons, as Effectual as if a Regular Adjournment had been Made of said Court: And the Persons summoned as Witnesses, and entering into such Recognizances, bound to appear to the next Term accordingly.

CHAPTER XLIII.

An Act for the more Speedy Recovery of all Debts and Demands under Five Pounds, Proclamation Money, within this Province.

I. Whereas the Method of recovering Sums of Money above the Value of Forty Shillings, and under Five Pounds, Proclamation Money, by Way of Petition and Summons, as heretofore by Law directed, has not only been found frequently attended with much Delay; but also with great Costs and Expence to the Parties; and whereas many Mistakes and abuses have been committed in recovering Sums under Forty Shillings, for Want of some Law more explicit, with Respect to the Mode of recovering and obtaining Satisfaction for Sums under that Denomination: For Remedy Whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of March next from the passing of this Act, all Debts and Demands, not exceeding Forty Shillings Proclamation Money, are hereby declared to be Cognizable and Determinable by any one Justice of the Peace; who may, by Warrant under his Hand and Seal, directed to the Sheriff, Deputy Sheriff, or Constable of the County wherein he is a Justice, cause to be summoned any Person to appear before him, or some other Justice of the Peace of the County, to answer the Complaint of a Creditor, for any Debt or Demand, not exceeding Forty Shillings as aforesaid; and also to issue his Summon or Summons for such Witness or Witnesses, as shall or may be required by either Plaintiff or Defendant, for the Better Proof of the Matter contested between the Parties; and every

Person so summoned, shall appear and give Testimony, at such Times and Places as by the Summons directed and required; under the Penalty of Forfeiting Three Pounds, Proclamation Money, to the Party Aggrieved, and to be further Liable to his Action for Damages, unless good Cause be Shewn to, and approved of by the Justice before whom he, she, or they were summoned to appear, within Ten Days after the Time appointed for such Appearance: And after having heard the Parties, and such Evidences as shall be produced by each and either of them, to give Judgment, and thereupon to award Execution against the Goods and Chattels, or the Body of the Debtor or Party against whom Judgment shall be given, which shall be executed and returned by the Sheriff, Deputy Sheriff, or Constable, to whom directed, at the Instance of the Plaintiff or Complainant, in the same Manner as other Writs of Fieri Facias, or Capias ad Satisfaciendum, are to be executed and returned except as is by this Act Directed is hereafter directed for the Sale of Goods so taken: And all Debts and Demands above Forty Shillings, and under Five Pounds, Proclamation Money, are in like Manner hereby declared to be cognizable and determinable before any Two Justices of the Peace; who are hereby authorized and impowered, by Warrant from under the Hand and Seal of any One Justice of the Peace, made returnable before himself, and one other Justice of the Peace, or any Two Justices of the Peace for the County wherein he is a Justice; and the same being accordingly returned to any Two Justices as aforesaid, for them to hear the Parties, and such Evidences as shall be produced by each and every of them, for any Debt or Demand above Forty Shillings, and under Five Pounds as aforesaid, and to give Judgment, and thereupon, under their Hands and Seals, to award Execution against the Goods and Chattels, or the Body of the Party, until Satisfaction thereof be had, with all Costs, in like Manner as in and by this Act is directed and prescribed for the Recovery and Satisfaction of the Debt and Costs, of all Sums of Forty Shillings Value, and under, before a Single Magistrate; and all Summons for Witnesses to attend before any Two Magistrates, on the Trial of any Debt or Demand above Forty Shillings, and under Five Pounds, shall and may be signed by One Justice: And each and every Person summoned to appear, and give Testimony before any Two Justices, and failing to do so, shall be subject to the same Penalty, and liable to the Like Action as by this Act inflicted and directed in Case of Failure before a Single Magistrate.

III. Provided always, That the Party so failing to appear and give Testimony, shall be entitled to the like Privilege of shewing the Cause to the said Justices, and from exempting himself from the Penalty for non-Appearance.

IV. Provided always, That if Judgment shall be given by any One or more Justices for any Sum above Forty Shillings, Proclamation Money, the Party or Parties against Whom such Judgment shall be given, may desire a Stay of Execution for any Term of Time, not exceeding Two Months; which said Justice or Justices is, and are hereby authorized, impowered, and required, to grant the Party praying such Stay of Execution, first giving sufficient Security for Paying the same; which Security in like Manner as the Principal shall be liable to the Execution of the Party, if not discharged at the Expiration of the said Term.

V. And be it further Enacted, by the Authority aforesaid, That all Goods and Chattels taken in Execution by any Sheriff or Constable, in Virtue of this Act, shall be kept in safe Custody Ten Days; And if the Owner or Owners of such Goods shall not, within the said Time, satisfy the said Debt and Costs, the Sheriff, Deputy Sheriff, or Constable shall, on the Day following (if not

Sunday, and if so, then on the Day succeeding) between the Hours of One and Five in the Afternoon of the said Day, he having first advertised such Sale Ten Days at Least, at the Court House, Church, Mill, or other Public Place, adjacent to where the goods were taken, sell the said Goods and Chattels at Vendue; and after satisfying the Judgment and Costs as aforesaid, shall return the Overplus, if any there should be, to the Owner.

VI. And be it further Enacted, by the Authority aforesaid, That every Sheriff, Deputy Sheriff, or Constable, for every Warrant executed, shall be allowed Two Shillings and Eight Pence; and for every Subpoena, One Shilling; and for every Execution executed, Two Shillings and Eight Pence; and so at the same Rate for every Person where there shall be more than One mentioned in each Warrant, Subpoena, or Execution.

VII. And be it further Enacted, by the Authority aforesaid, That all Debts and Demands arising by Bond, Bill, Note, Account, Contract, Assumpsit, or otherwise under Five Pounds, Proclamation Money, shall only be complained, prosecuted for, and tried, in Manner and Form as by this Act directed, and not otherwise: And if any Person shall, contrary to the true Intent and Meaning of this Act, commence or bring any Action or Suit in any Court within this Province for Five Pounds, or Upwards, on Purpose to evade this act, and thereupon shall have a Verdict for a less sum than Five Pounds, he shall pay the Cost of that Suit; except in Actions of Trespass or Tort, or Action of Defamation, or where an Account is unsettled, and the Defendant shall refuse or neglect, upon Notice given by the Plaintiff, to meet and settle the same; Proof of which Notice, either written or verbal, may be made by the Oath of the Plaintiff, or otherwise: And if either of the Parties shall be dissatisfied with the Judgment of the said Justice or Justices, the Party or Parties so dissatisfied, may appeal to the next Inferior Court of Pleas and Quarter Sessions that shall be held in the County where such Judgment shall be given, he, she, or they, first entering into sufficient Security, for the Prosecuting such Appeal with Effect; which Appeal shall be heard, tried and determined, the same Court, by the Justices of the said Court, in a summary Manner, without a Jury, upon such Evidence as shall be given them, and shall give Judgment according to the very Right of the Cause, and Matter in Law, shall appear to them, without Regard to form in the Process, or Course of Proceeding; and the Court shall not delay in Determination in any such suit until another Court, unless good Cause be made appear, upon Oath, for such Delay, and Judgment shall be thereupon given, and the Party Cast shall pay the Cost of all Proceedings thereon, which is hereby declared, exclusive of the Costs before the Justice or Justices, to be Seven Shillings and Six pence, to the Clerk, for the Whole Fees on such Appeal, and no more.

VIII. Provided always, That the Justice or Justices before whom such Suit was first heard and determined, shall not sit in Court, or give Judgment on the Trial of such Appeal.

IX. And whereas it hath often happened that when Bonds, with a Power of Attorney annexed, empowering any Attorney to confess Judgment for the Sum mentioned in the Bond or Bill, in any Court of Record, notwithstanding the same were for very small and inconsiderable Sums, that Judgment hath been entered in the Inferior Court of Pleas and Quarter Sessions, on such Bonds or Bills, and Costs taxed on the same, as if it had been on a Writ; whereby the Cost of Suit hath greatly exceeded the Sum due by such Bond or Bill: For the Prevention whereof for the Future, Be it Enacted, by the Authority aforesaid, That when any Judgment shall be entered on any Bond or Bill, in any Inferior Court of Pleas and Quarter Sessions in this Province, by Virtue of a Power of Attorney annexed, to confess Judgment

for the Sum mentioned in such Bond or Bill, the Penalty whereof being under Five Pounds, That no more Fees shall be allowed or Taxed in the Bill of Costs than such as are directed to be taxed on an Appeal from a Judgment of one or more Justices of the Peace; any Law, Usage, or Custom to the contrary, notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That it shall be lawful for any Creditor, where his Debt or Demand is under Five Pounds Proclamation Money, to go before any Justice of the Peace of the County, and make Oath how much is justly due to him, and that he has Reason to suspect that his Debtor hath or intends to remove himself and Effects Privately out of the County, or so absconds that the Ordinary Process of Law cannot be served upon him; and thereupon such Justice, first having taken Bond and Security, as in other Cases of Attachments shall issue an Attachment against the Estate of such Debtor, returnable before any Justice, or Two Justices of the Peace, as the Case may be, directed to the Sheriff, Deputy Sheriff, or Constable of the County; and by Virtue thereof it shall be lawful for such Sheriff, Deputy Sheriff, or Constable, to pursue and attach such Effects, and make due return of such Attachment; and the Proceedings thereon by the said Justice or Justices (due Regard being had to the different Jurisdiction by this Act given to Two Justices jointly, or one Separately) shall be in a Summary Way, in the same Manner as on a Warrant, any Law Usage, or Custom, to the contrary, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That so much of the Several Acts of Assembly of this Province, made for establishing, amending, and continuing the several Inferior Courts of Pleas and Quarter Sessions, as relate to Petitions and Summons, and the Jurisdiction of a single Magistrate, to take Cognizance of the Sum of Forty Shillings; and all and every Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to any Matter within the Purview and Meaning of this Act, is hereby repealed, and made null and void.

XII. Provided nevertheless, That nothing herein contained shall be construed, deemed or taken, to extend the Trial of such Petition and Summons, as heretofore have been, or may, between the passing of this Act and the First Day of March next, be issued; but that the same may be proceeded on, or heard and determined, in the same manner as if this Act had never been made.

XIII. And be it further Enacted, by the Authority aforesaid, That this Act, and every Clause and Article thereof, shall be and continue in Force for and during the Term of Two Years, and no longer.

CHAPTER XLIV.

An Act to encourage and support the Establishment of a Post Office in this Province.
(Omitted).

Signed by,

WM. TRYON, ESQ., Governor,

James Hasell, President.

RICHARD CASWELL, Speaker.

Read three times and ratified in open Assembly the 26th day of January, 1771.

LAWS OF NORTH CAROLINA, 1771.

At an Assembly, began and held at New Bern, the Nineteenth Day of November, in the Twelfth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Seventy-one: Being the Second Session of this Assembly.
Josiah Martin, Esq., Governor.

CHAPTER I.

An Act for imposing a Tax of Two Shillings Proclamation Money, per Poll, on all Taxable Persons within this Province, and for granting the Money arising from such Tax to his Majesty, his Heirs and Successors, to be applied as herein after directed.

I. Whereas there is an absolute necessity that provision be immediately made for paying the Expence, computed at Sixty Thousand Pounds, incurred in the late necessary expedition against the Insurgents:

II. We pray that it may be Enacted, And be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That an Annual Tax of Two Shillings, Proclamation Money, per Head, be, and is hereby imposed, to be levied on all the Taxable Persons within this Province.

III. And be it further Enacted, by the Authority aforesaid, That the Poll tax hereby imposed on all Taxable Persons, shall be collected, accounted for, and paid, by the Sheriffs of the several Counties within this Colony, who are hereby vested with all the Powers and Authorities, and declared to be subject to the same Rules, Regulations, Pains, and Penalties, and entitled to the same Emoluments, as are directed and Provided by an Act entitled, An Act for appointing Sheriffs, and directing their Duty in Office.

IV. And be it further Enacted, by the Authority aforesaid, That the said Tax of Two Shillings per Poll, hereby imposed, shall be annually levied and collected for Ten Years next after the Passing of this Act, and no longer, and applied annually towards calling in and redeeming the Debenture Bills by this Act directed to be issued; which Debenture Bills, when so redeemed, are hereby directed to be Burnt and Destroyed.

V. Provided nevertheless, That if the Sum hereby issued in Debenture Bills, shall be collected on the said Tax of Two Shillings per Poll in a shorter Time than Ten Years, then the said Tax shall cease.

VI. And be it further Enacted, by the Authority aforesaid, That the Honorable John Rutherford, Lewis Henry DeRosset, Esquires, and Richard Caswell and John Harvey, Esquires, be, and are hereby appointed Commissioners; and are vested with full Power and Authority, as soon as conveniently may be after passing of this Act, to Stamp and Sign Debenture Bills chargeable on the Public Treasury of this Province, to the amount of Sixty Thousand Pounds Proclamation Money in the following Form, viz: The Province of North Carolina is indebted to the Possessor hereof —————, Proclamation Money, to be paid out of the Public Treasury, according to Act of Assembly, passed December, One Thousand Seven Hundred and Seventy One; and of the following Denominations, viz: Two Thousand Five Pounds Bills, Three Thousand Three Pounds Bills, Five Thousand Two Pounds Bills,

Four Thousand Thirty Shillings Bills, Ten Thousand Twenty Shillings Bills, Ten Thousand Ten Shillings Bills, Twenty Thousand Five Shillings Bills, Thirty Two Thousand Two Shillings and Six Pence Bills, Twenty Thousand One Shilling Bills: And the same having struck and signed, in equal Portions, to pay to the respective Public Treasurers. And the said Commissioners shall be allowed Fifteen Hundred Pounds, Proclamation Money, for their Trouble and Expence in this Service.

VII. And be it further Enacted, by the Authority aforesaid, That the Debenture Bills, hereinbefore directed to be struck, and paid into the Hands of the Public Treasurers, shall by them be delivered to the Public Creditors of this Province, in Proportion to the Sums respectively due to them, for which they shall be allowed three per Cent.

VIII. And be it further Enacted, by the Authority aforesaid, That the said Honorable John Rutherford, Lewis Henry DeRosset, Esquires, and Richard Caswell and John Harvey, Esquires, are hereby directed and required, previously to their entering on the Trust by this Act reposed in them, to give Bond with good and sufficient Security, in the Sum of Ten Thousand Pounds, Proclamation Money, each, payable, to the Governor, or commander in Chief for the Time Being, to the Use of this Province; with condition that he shall duly and faithfully execute and discharge the said Trust reposed in him, according to the True Intent and Meaning of this Act, and shall also Make Oath before some Magistrate to the same Purpose; which Bond shall be lodged in the Secretary's Office; And in Case of a Breach of the Condition thereof, may be put in Suit, and recovered, to the use of this Province. And if any of the Commissioners herein before appointed shall die, remove out of this Province, or refuse to Act, the Governor or Commander in Chief for the Time Being, shall appoint others, or another, in the Room of him or them so dying, refusing, or removing himself; which Commissioner or Commissioners so appointed, shall enter into Bond, and make Oath, in the same Manner as the Commissioners herein appointed are directed.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person shall counterfeit, alter, or deface, any of the Debenture Bills struck by Virtue of this Act, he shall, on conviction thereof, be adjudged a Felon, and shall suffer Death without Benefit of Clergy.

X. And for the better securing the Debenture Bills to be emitted by this Act from being Counterfeited, Be it Enacted by the Authority aforesaid, That the Public Treasurers shall not redeem or receive, from any Person whatsoever, any of the said Bills which shall appear to have any Paper, or other Thing whatsoever, Pasted, glued, or sealed on the Back thereof; and such Bills so pasted, glued, or sealed, shall not be chargeable on the Public Treasury of this Province.

CHAPTER II.

An Act to alter the Method of Working upon the Roads in the Counties therein mentioned.

I. Whereas the Power given by Law to Overseers of Roads is found inconvenient in the Counties of Bladen, Mecklenburg, and Guilford: For Remedy whereof.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Inferior Court of the said Respective Counties shall, at the first or Second Court held after the passing of this Act divide their respective Counties into as many Districts as they may Judge

necessary and most Convenient for the Inhabitants to work on the Roads, and at the same time the said Court shall nominate and appoint Proper Persons to, be Commissioners of the Roads in each of the said Districts; which said Commissioners or the Majority of them, in their respective Districts, are hereby vested with all Powers respecting Roads, Bridges, and clearing of Rivers and Creeks, and shall be subject to the same Pains and Penalties, for Neglect of Duty, as the Commissioners of the Roads were vested with or were liable to, by an Act of Assembly of this Province, when in Force, entitled An Act for empowering the several Commissioners herein after Named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courses, already laid out in the several Counties and Districts herein after appointed, in such Manner as they Judge most useful for the Public.

III. Provided nevertheless, That no Person shall be liable to work on any Road, River, or Creek, more Than Twelve Days in One Year, And in Case the Commissioners of any of the said Districts shall be sued or indicted on account of any Road, River, or Creek, such Commissioner making proof of having worked all the Persons in their District liable thereto Twelve Days in each year, shall be exempt from any Recovery, Fine, Penalty, or Costs, whatsoever.

IV. And be it further Enacted, by the Authority aforesaid, That in Case any Commissioner or Commissioners to be Named by Virtue of this Act, shall refuse or neglect to take upon him or them such Office, or, having accepted, shall die, or remove out of his district, the remaining or surviving Commissioner or Commissioners of such District shall, and are hereby impowered and required and directed, to appoint another, or others, in his or their Room; who shall have the same Powers, and shall be liable to the same Pains and Penalties, as the Commissioners have and are liable to, who are to be appointed under this Act.

V. And be it further Enacted, by the Authority aforesaid, That so much of a Former Act, passed in the Fifth Year of the Reign of his present Majesty, as relates to the Power or Appointment of Overseers of the Roads, shall from henceforth be repealed, with respect to the said Counties of Bladen, Mecklenburg and Guilford.

CHAPTER III.

An Act to impower the Church Wardens and Vestrymen of the Parish of St. Gabriel's in the County of Duplin, to sell the Glebe in the said Parish and County.

I. Whereas the Situation of the Glebe in the Parish and County aforesaid is found to be inconvenient, and the same much out of repair.

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That it shall and may be lawful for the Church Wardens and Vestrymen of the said Parish, or the Majority of them, or their Successors, to sell and Dispose of the said Glebe, and the Money arising from such Sale to be appropriated towards purchasing a Glebe, situate in a more convenient Part of the said Parish; which Glebe so purchased, shall be vested in the said Church Wardens and Vestrymen and their Successors, in the same Manner, and to the same Uses and Purposes, as other Glebes are by the Laws of this Province invested in the Church Wardens and Vestrymen of their respective Parishes.

CHAPTER IV.

An Act to enable the Freeholders of the Parish of St. John, in the County of Pasquotank, to elect a Vestry, and provide for their Poor.

I. Whereas the Poor of the Parish of St. John, in the County of Pasquotank, labour under great Distress, by Reasons that Persons heretofore elected to constitute a Vestry have neglected to qualify and Act agreeable to Law:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Sheriff of the County of Pasquotank, shall give Notice, according to Law, to the Freeholders of the said Parish, to meet at the Court House on the First Monday in March next, then and there to choose and elect Twelve Vestrymen, who shall be of the Established Church, according to the Rules, Limitations, and Restrictions, of an Act, entitled, An Act to amend and continue an Act, entitled, An Act concerning Vestries. And when the Person so chosen shall have qualified agreeable to Law, they shall be deemed, taken, and esteemed a Lawful Vestry; and are hereby invested with all the Power and Authority that other Vestries are possessed of within this Province agreeable to law, until a re-Election at the time directed by an Act, entitled, An Act to amend and continue an Act concerning Vestries.

III. And that the Vestry may be enabled, as soon as may be, to provide for the Poor of the Parish; Be it further Enacted, by the Authority aforesaid, That a Tax of Six Pence shall be levied on every Taxable Person within the said Parish of St. John, for the Year One Thousand Seven Hundred and Seventy One, and collected by the Sheriff of the County with the Public Taxes for that Year; which Tax shall be paid by him to the Vestrymen and Church Wardens, under the same Rules and Regulations, as if the said Tax had been laid by a Vestry, and shall be applied to the Use of the Poor at the Discretion of the Vestry.

IV. And be it further Enacted, by the Authority aforesaid, That the County Court of Pasquotank shall enquire into the execution of this Act, and if the Sheriff shall have refused or neglected to do what is hereby required of him by this Law, he shall forfeit and pay the sum of Twelve Pounds, to the Use of the Poor of the said Parish; to be recovered by Bill, Plaint, or Information, the said Court appointing One of their Members Plaintiff, for that Purpose: And on the Information of the Sheriff, on Oath, such of the Persons chosen for Vestrymen as shall have refused or neglected to act agreeable to law, shall forfeit and pay the Sum of Three Pounds each; and the Money arising from the Fines and Forfeitures herein mentioned, shall be applied by the Court to the Maintenance of the Poor, in the same Manner as the Vestry might apply it.

V. And be it further Enacted by the Authority aforesaid, That if through the Neglect of the Sheriff, or Persons elected, there should be no Vestry or Church Wardens, the Tax of Six Pence per Poll hereby laid, and to be collected by the Sheriff, shall be paid by him to the Court of the County, at the next Court succeeding the Tenth Day of June, in the Year One Thousand Seven Hundred and Seventy Two, and shall by the Court be applied to the Use of the Poor, with the same Power and Authority as the Church Wardens and Vestry might Use: And the said Inferior Court are hereby invested with the same Powers and Authority, to compel the Sheriff to account for the Tax hereby imposed, as the Vestry and Church Wardens might Use.

VI. And be it further Enacted by the Authority aforesaid, That so much of the afore recited Act, as comes within the Purview and Meaning of this Act, is hereby declared to be null and Void.

CHAPTER V.

An Act for appointing an Agent, to solicit the affairs of this Province at the several Boards in England.

I. Whereas it is necessary that some Person, properly qualified, be appointed by Public Authority to solicit and truly represent the affairs of this Province at the several Boards in England:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Henry Eustace McCulloch, Esquire, be and is hereby appointed agent for this Province, to solicit, represent and transact, all such Public Affairs and Business now relating to the said Province, or that shall or may be moved concerning the same at any of the said Boards in England according as he shall, from Time to Time find Occasion, or be directed and instructed by the Committee of Correspondence herein after appointed; and the said Henry Eustace McCulloch shall have and receive, for his Trouble and Expences in Soliciting the Affairs and Public Concerns of this Province the Sum of Three Hundred Pounds Sterling, paid in London Annually, to be paid by Warrant from his Excellency, the Governor, or Commander in Chief for the Time Being, out of the Public Treasury, to the said Committee, and by them remitted to the said Agent.

III. And be it further Enacted, by the Authority aforesaid, That the Honorable Lewis Henry DeRosset, and Marmaduke Jones, Esquires, Richard Caswell, John Harvey, James Moore, Joseph Montfort, Robert Howe, Maurice Moore, and Cornelius Harnett, Esquires, or the Majority of them, or the Majority of the Survivors of them, be, and they are hereby nominated and appointed a committee, to correspond with, from time to time, during the Continuance of this Act, to advise, direct and instruct, the said Henry Eustace McCulloch, in all such Matters relating to this Province, as may be moved or solicited, or that they may think proper at any Time to move or solicit, before any of the Boards in England: And the said Committee shall, from Time to Time, when thereto required, lay before the General Assembly of this Province the Advices they shall receive from the said Agent; and also Copies of such Dispatches, Orders, and Directions, as they shall send to him.

IV. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Two Years, from and after the Second Day of December, in the Year of our Lord One Thousand Seven Hundred and Seventy One, and no longer.

CHAPTER VI.

An Act to amend an Act, entitled, An Act what Fences are sufficient; and to amend and Continue an Act relating to taking up Stray Horses.

I. Whereas Disputes daily arise between many of the Inhabitants of this Province, by reason of the Ambiguity of the before recited Act:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Planter shall make a sufficient Fence about his cleared Ground under Cultivation, where no navigable Stream or deep Water Course shall be, that may be deemed sufficient, instead of a Fence Five Feet high, and the rails near together until the Fence be Three Feet high from the Ground.

III. And be it further Enacted, by the Authority aforesaid, That upon Complaint made by any Person whatsoever to any Magistrate of the County,

of any Trespass or Damages done by Horses, Cattle or Hogs, it shall and may be lawful for such Magistrate, and he is hereby authorized, impowered and required, to summon, or cause to be summoned, Three Freeholders, indifferently Chosen, who, together with himself, shall view and examine, on Oath, whether the Complainants Fence be sufficient or not, and what Damages he hath sustained by Means of the Trespass, and certify the same from under their Hands and Seals; and if it shall appear that the said Fence be sufficient, then the Owner of such Horses, Cattle, or Hogs, shall make full satisfaction for the Trespass or Damages to the Party Injured; to be recovered before any Jurisdiction having Cognizance thereof: But if it shall appear that the said Fence be insufficient, then whatever Damages such Person shall sustain by Means of such Trespass, the Owner of such Horses, Cattle or Hogs, shall not be liable to make satisfaction for such Injury.

IV. And be it further Enacted by the Authority aforesaid, That if any Person whose Fence shall be adjudged insufficient, shall with Guns, Dogs, or otherwise, unreasonably chase, worry, Maim, or kill, any Horses, Cattle, or Hogs, or cause the same to be done, such Person so offending shall make full satisfaction for such Damages to the Party injured; to be recovered as aforesaid.

V. Whereas an Act, Passed at New Bern the Fifth day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty Eight, entitled, An Act for preventing the frequent abuses in taking up and secreting stray Horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Hertford, Tyrrell, Craven, and Pitt, will expire at the End of this present Session of Assembly; and whereas the said Act hath been of great Utility, and singular Service, to many Persons whose Horses have strayed from them in the Counties aforementioned, as well as in many of the neighboring Counties, it is thought necessary and expedient that the same should be amended and continued: Be it therefore Enacted by the Authority aforesaid, That every Person who shall hereafter take up any Stray Horse, Mare, Gelding, or Colt, and shall refuse or neglect to lead the same to the Owner, if known, if not, then to the Ranger of the County as aforesaid within the Time, and according to the Directions of the said Act; or shall make Use of any such Stray, before the same shall be appraised as aforesaid, he, she, or they, so offending, shall, for every Offence, forfeit and pay to any Person, that shall sue for the same, the Sum of Four Pounds Nineteen Shillings, Proclamation Money; to be recovered by an Action of Debt, before any Jurisdiction having Cognizance thereof, and be further liable to an Action of the Owner or Party grieved.

VI. And to the End that Strays may be as publicly Known as possible, and not secreted from their Owners by the Person taking up the same: Be it further Enacted by the Authority aforesaid, That every Person taking up any Stray as aforesaid, shall, at the next succeeding Court of the County where the same shall be taken up, advertise or cause to be advertised, the Marks, Brand, Stature, Age, and Appraisement of the said Stray, together with the Time of taking up, and Place of abode of the Person taking up the same, as described in the Ranger's Book; which Advertisement shall be fixed up at or near the Court House Door, during the sitting of the said Court, under the Penalty of Four Pounds, Proclamation Money; to be recovered by any Person who shall sue for the same, by an Action of Debt, before any Jurisdiction having Cognizance thereof, and be further liable to an Action of the Owner or Party grieved.

VII. And be it further Enacted, by the Authority aforesaid, That this Act, together with the said recited Act, shall be extended to, and be in Force in

the Counties of Tryon, Guilford, Surry, Bertie, Duplin, Cumberland, and Wake, in as full and ample a Manner as in the Counties mentioned in the before recited Act.

VIII. And be it further Enacted, by the Authority aforesaid, That this Act, and the Act before recited, as by this Act amended, shall be and continue in Force for and during the Term of Three Years, and from thence to the next Session of Assembly, and no longer.

CHAPTER VII.

An Act to empower the Freeholders of the several Parishes therein mentioned to elect Vestries for their respective Parishes.

I. Whereas the Vestrymen elected for Unity Parish, in Guilford County, and the Vestrymen elected for St. Margaret's Parish, in Wake County, neglected to qualify agreeable to Law, whereby the said Parishes are without Vestries.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Freeholders of the said Parishes respectively shall, and they are hereby required, to meet at the Court House in their respective Counties on Easter Monday next after the Passing hereof, to elect and choose Twelve Freeholders of the said Parish to serve as Vestrymen; which elections shall be made by the Sheriff, under the like Rules and Restrictions, Pains and Penalties, as well with respect to the Sheriffs as the Freeholders of the said Parishes, as other Elections of Vestries in this Province are by Law appointed to be made: And the Freeholders so elected Vestrymen for the said Parishes respectively, after taking the Oaths by Law appointed for their Qualification, shall be, and they are hereby declared from thenceforth to be Vestries of the said Parishes respectively, until the General Election of Vestrymen throughout this Province and shall execute and use the same Powers and Authorities as other Vestries of this Province may, can, or ought to exercise.

III. And be it further Enacted, by the Authority aforesaid, That every Person elected or chosen as a Vestryman in any of the said Parishes, who shall neglect or refuse, on Notice given by the Sheriff, to appear and qualify agreeable to Law, such Vestrymen so refusing or neglecting, shall forfeit and pay the Sum of Three Pounds; to be recovered before any Justice of the Inferior Court of the County, in the Name of the Sheriff, by any Person who shall sue for the same; to be paid to the Sheriff of the County, and to be accounted and paid for by him, to the Inferior Court of the County, to the Use of the Poor of the Parish.

IV. Provided nevertheless, That no Dissenter from the Church of England shall be elected a Vestryman for either of the said Parishes; any Thing herein Contained, to the contrary, notwithstanding.

V. And whereas by the Division of Orange County, the Majority of the Vestrymen elected for St. Matthew's Parish, in the County aforesaid, reside in the Counties of Chatham and Guilford, whereby the said Parish is without a Vestry; Be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Freeholders of the said Parish of St. Matthew, in Orange County, and they are hereby required to meet at the Court House in Hillsborough, on Easter Monday next, then and there to elect Vestrymen; which Vestrymen so elected, after due Qualification, shall be the Vestry of the said Parish, and shall be entitled to the same Privileges, invested with

the same Powers, and subject to the same Pains and Penalties, as the other Vestries to be elected in Virtue of this Act.

VI. And whereas for the Want of a Sheriff in the County of Surry, no Election of Vestrymen was made in the Parish of St. Jude's on Easter Monday last; Be it therefore Enacted by the Authority aforesaid, That the Freeholders of the said Parish shall, and are hereby directed, to meet on Easter Monday next after the passing of this Act, at the Usual Place of holding Courts for the said County and then and there choose and elect Twelve Freeholders to serve as Vestrymen; which Vestrymen after due Qualification, shall be and are hereby invested with as full Power and Authority, to Act and do in all Things, as any Vestrymen elected or chosen in Virtue of any Act of Assembly of this Province.

CHAPTER VIII.

An Act for the further enabling Francis Locke, Andrew Allison, Griffith Rutherford, and William Temple Coles, Former Sheriffs of Rowan County, to collect the Arrearages of Taxes.

(Printed in Private Acts, *post.*)

CHAPTER IX.

An Act to amend an Act, entitled, An Act for founding, establishing, and endowing, of Queen's College, in the Town of Charlotte, in Mecklenburg County.

(Printed in Private Acts, *post.*)

CHAPTER X.

An Act to indemnify such Persons as have Acted in Defence of Government, and for the Preservation of the public Peace of this Province, during the late Insurrection, from Vexatious Suits and Prosecutions.

I. Whereas during the late Insurrection, which began in or about the Month of December, in the Year of our Lord One Thousand Seven Hundred and Seventy, divers Officers of the Militia, Justices of the Peace, Constables, and other Officers and Persons, well affected to his Majesty and his Government, in order to preserve our present happy establishment and the Peace of this Colony, and to suppress and put an End to the said Insurrection, apprehended and put into Custody, and imprisoned, or caused to be apprehended, and put into Custody, and imprisoned, several Criminals, and Persons who they suspected had or might disturb the Public Peace, or foment or promote Riots, Tumults, Insurrections or evil Designs against the Government; and also seized and used several Horses, Arms, and other Things; and also pressed divers Horses, Carts, and Carriages, for the Service of the Public: And for the Purposes aforesaid, entered into the Houses and Possessions of sundry Persons, and did divers Acts which could not be justified by the Strict Forms of Law, and yet were necessary, and so much for the service of the Public, that they ought to be justified by Act of Assembly, and the Persons by whom they were transacted ought to be indemnified:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Personal Actions and Suits, Indictments, Informations, and all Molestations, Prosecutions, and Proceedings whatsoever, and Judgments thereupon if any be, for or by Reason of any

Matter or Thing advised, commanded or appointed to be done, during the Insurrection, and until the Tenth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy One, in Order to suppress the said Insurrection, or for the Preservation of the Public Peace, or for the Service or Safety of the Government, shall be discharged and made void; and that every Person by whom any such Act, Matter, or Thing, shall have been so advised, commanded, appointed, or done for the Purposes aforesaid, or any of them, before the said Tenth Day of July, shall be freed, acquitted, and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person or Persons; and that if any Action or Suit hath been, or shall be commenced or prosecuted against any Person or Persons, for any such Matter, Act, or Thing, so advised and commanded, appointed, or done, for the Purposes aforesaid, or any of them, before the said Tenth Day of July, he, she, or they may plead the general Issue, and give this Act and the Special Matter in Evidence; And if the Plaintiff or Plaintiffs shall become nonsuit, or forbear further Prosecution, or suffer discontinuance, or if a Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her, or their full Costs, for which he, she, or they, shall have the like Remedy as where Costs by Law are given to Defendants in other Cases.

III. Provided nevertheless, That nothing herein contained shall be construed to extend to, or debar any Person or Persons, from his, or her, or their Right of suing for and recovering any Bonds, Notes, or Book Accounts, detained from them by any Person or Persons whatsoever.

CHAPTER XI.

An Act to amend an Act entitled, an Act for regulating the Pilotage of Cape Fear River, and other Purposes.

I. Whereas it has been the Usual Practice of the Branch Pilots, for the Bar of Cape Fear River to be equally concerned in the Profits arising from the Pilotage of Vessels over the said Bar, which has been found from experience to be prejudicial to Trade: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Pilot having a Branch for the Bar of Cape Fear River, shall within Three Months after the passing of this Act, take the following Oath before any Two Justices of the Peace of the County wherein such Pilot resides, viz.:

I, A. B., do solemnly swear that I am not at this Time, neither will I at any Time hereafter, during my Continuance as a Branch Pilot for the Bar of Cape Fear River, be concerned in any kind of partnership with more than three Branch Pilots, so as to receive any Share or Benefit therefrom to myself or family. So help me God.

And the said Two Justices shall, on administering such Oath, deliver to such Pilot a Certificate thereof, under their Hands and Seals; and every Branch Pilot refusing or neglecting to take the said Oath, and obtain a Certificate as aforesaid, shall forfeit his Branch; any Thing contained in the before recited Act, to the contrary, notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That the Captain of Fort Johnston, shall, and he is hereby authorized and impowered, to order any One or more of the Branch Pilots to Sea whenever he has Reason to believe any Vessels are on the Coast; and any Branch Pilot or Pilots, refusing or neglecting to obey such Order (Wind and Weather permitting) such

Disobedience or Neglect shall be certified by the said Captain of Fort Johnston to the Commissioners of the Pilotage of Cape Fear River; who are hereby impowered to suspend such Pilot or Pilots, until the pleasure of the Governor, or Commander in Chief for the Time Being, shall be known.

IV. And whereas the keeping of decked Boats to attend the Pilotage of the said Bar of Cape Fear River is found from experience to be necessary; Be it further Enacted, by the Authority aforesaid, That every Branch Pilot of the said Bar shall, and he is hereby required to keep a decked Boat, or be concerned with some other Branch Pilot who shall have a decked Boat, under the Penalty of forfeiting his Branch; any Thing in the before recited Act, to the contrary, notwithstanding.

V. And to prevent any kind of Ballast or Trash being thrown into the Channel of the said River of Cape Fear; Be it further Enacted by the Authority aforesaid, That every Master of a Vessel coming into the said River shall, upon his Arrival at Port Brunswick, take the following Oath before the Collector, or his Deputy, who is hereby impowered and required to administer the same, viz.:

I, A. B., do solemnly swear that I have not, nor will I, directly or indirectly, cause or suffer any kind of Ballast brought in by my Vessel to be thrown into any Part of the Channel of Cape Fear River, but that the same shall be landed, or thrown entirely above Low Water Mark. So help me God.

And if any kind of Ballast shall after the passing of this Act be thrown out of any vessel into any Part of the Channel of the said River, by any Sailor, Mariner, or other Person whatsoever, the Master or Commander of such Vessel, upon due Proof being made thereof, shall forfeit and pay the Sum of Two Hundred Pounds, Proclamation Money; to be recovered by any Person who shall sue for the same, by Action of Debt, in the Superior Court of the District of Wilmington; One half to the Prosecutor, and the other Half to the Commissioners of the Pilotage of Cape Fear River, to be by them applied to the Benefit of the Navigation of the said River.

VI. Provided always, That no Recovery shall be had thereon, unless Suit be brought within Twelve Months after the Time the said Offence shall have been committed.

VII. And be it further Enacted, by the Authority aforesaid, That if any Branch Pilot of the said River of Cape Fear shall knowingly suffer any kind of Ballast or Trash to be thrown out of any Vessel into any Part of the Channel of the said River, and shall not, within Ten Days after such Offence being committed, make Information thereof to one or more of the said Commissioners of the Pilotage, such Branch Pilot shall, upon Proof thereon, being made by one or more creditable Witnesses, forfeit his Branch, and be rendered forever thereafter incapable of Acting as a Branch Pilot for the said River.

VIII. And be it further Enacted, by the Authority aforesaid, That so much of the before recited Act, as comes within the Purview of this Act, shall be, and is hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XII.

An Act to amend an Act entitled an Act for Regulating the several Officers' Fees within this Province, and ascertaining the Method of paying the same.

I. Whereas Fees for many Services by Law, enjoined to be performed by

the Governor of this Province are altogether omitted in the above mentioned Act, and others so ambiguously expressed, that it is become doubtful what Fees he is legally entitled to for the Services therein mentioned: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, or commander in chief of this Province for the Time Being, to receive and take the following Fees for the Several Services hereinafter mentioned, to-wit:

	£.	s.	d.
A Charter.....	10.	0.	0.
A Marriage Licence.....	1.	0.	0.
An Ordinary Licence.....	1.	0.	0.
An Attorney's Licence in the Superior Courts.....	3.	0.	0.
An Attorney's Licence in the Inferior Courts.....	1.	10.	0.
The Probate of a Will.....	0.	5.	0.
Granting Administration on an Intestate's Estate, and qualifying the Administrator.....	0.	10.	0.
Letters of Administration or Testamentary.....	0.	5.	4.
An Assignment of an Administration Bond.....	0.	5.	4.
A Testimonial under the Colony Seal.....	1.	0.	0.
A Chief Justice's Commission.....	5.	0.	0.
A Chief Baron of the Exchequer's Commission.....	2.	0.	0.
An Associate Justice's Commission.....	2.	0.	0.
A Judge of the Admiralty's Commission.....	1.	0.	0.
An Attorney General's Commission.....	2.	0.	0.
A Secretary's Commission.....	5.	0.	0.
A Deputy Auditor General's Commission.....	1.	0.	0.
A Clerk of the Plea's Commission.....	3.	0.	0.
A Clerk of the Council's Commission.....	1.	0.	0.
A Captain of Fort Johnston's Commission.....	1.	0.	0.
A Collector's Commission.....	1.	0.	0.
A Comptroller's Commission.....	0.	10.	0.
A Sheriff's Commission.....	0.	10.	0.
A Coroner's Commission.....	0.	10.	0.
A Register's Commission.....	0.	10.	0.
A Notary Public's Commission.....	0.	10.	0.
A Ranger's Commission.....	0.	10.	0.
A Naval Officer's Commission.....	1.	0.	0.
An Assignment of a Ship's Bond.....	0.	5.	4.
A Ship's Register.....	0.	13.	4.
A Pilot's Branch.....	0.	10.	0.
An undecked Vessel's Register.....	0.	7.	6.
Each Patent for Land.....	0.	6.	8.
Every Hundred Acres contained in a Warrant for Land.....	0.	5.	4.

IN CHANCERY.

Signing a Decree.....	0.	10.	0.
Every Subpoena.....	0.	2.	8.
Signing an Injunction.....	0.	7.	6.
A Ne Exeat.....	2.	0.	0.
Hearing and determining any Cause.....	2.	0.	0.
An Interlocutory Decree.....	1.	0.	0.

Signing an Exemplification of a Decree.....	0.	5.	0.
Signing an Exemplification of the whole Proceedings in any Cause under Seal.....	1.	0.	0.
Every Dedimus Protestatem, Attachment, Commission or Rebellion or Sequestration.....	0.	5.	4.
Dismissing every Bill, where the Cause does not come to Trial, or Final Hearing.....	1.	0.	0.
Setting down every Cause for hearing.....	0.	2.	8.
Every Writ of Execution of a Decree.....	0.	5.	4.
Every Order made on Motion or Petition.....	0.	1.	4.

And that the Governor's Private Secretary may take and receive to his own Use the following Fees, and no more, to-wit:

	£.	s.	d.
Drawing the Certificate for the Probate of a Will.....	0.	5.	0.
Drawing every Testimonial.....	0.	5.	0.
Every Warrant for Land.....	0.	2.	8.
The Great Seal.....	0.	2.	8.
The Seal at Arms.....	0.	2.	8.
Drawing an Assignment of an Administration or Ship's Bond...	0.	5.	0.
Making out every Commission to which the Seal at Arms is affixed	0.	5.	4.
Filling up Letters of Administration, taking Bond and all Services	0.	10.	8.
Filling up Letters Testamentary.....	0.	10.	8.

III. And also whereas by Reason of the Uncertainty and Ambiguity of the said Acts, Sundry Disputes have arisen concerning what Fees public Registers may lawfully take for Services by them to be performed; Be it Enacted, by the Authority aforesaid, That for the Future the following Fees only shall be received by the Public Registers of the several Counties within this Province, to-wit:

	£.	s.	d.
Registering every Birth, Burial, or Marriage.....	0.	0.	8.
Registering every separate Deed of Conveyance of Lands, including the Certificate of being Proved, Relinquishment of Dower, Order for Registration, and Certificate of Registration, and all Indorsements thereof; Conveyances by Lease and Release, to be considered as Separate Deeds, or Copy thereof.....	0.	4.	0.
Registering every other Instrument of Writing, or Copy thereof,	0.	2.	8.
Every Search.....	0.	0.	8.

IV. And be it further Enacted, by the Authority aforesaid, That each respective Public Register shall, within Eight Months after the Ratification of this Act, set up in some Public Place in his Office, a Table of the Fees that may be taken according to the Directions of this Act, and shall keep the same up, under the Penalty of Five Shillings for every Day such Table shall not be so fixed up; to be recovered by a Warrant before any Justice of the County, by any Person prosecuting for the same.

V. And be it further Enacted, by the Authority aforesaid, That if any Public Register shall Demand, extort, exact, or receive, under Colour of his Office any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the Particular Service in his Office for the Fees in

this Act expressed, such Public Register shall, for every such Offence or Default, forfeit the Sum of Five Pounds; to be recovered by Action of Debt or otherwise, before any Jurisdiction having Cognizance thereof, by any Person who shall sue for the same.

VI. Provided always, That such Prosecution shall be commenced within Twelve Months after the Offence is committed, and not after.

VII. And be it further Enacted, by the Authority aforesaid, That all Clauses, Matters, and Things, in the Before recited Act, so far as is within the Purview and Meaning of this Act, is and are hereby repealed, and declared to be Null and Void, to all Intents and Purposes.

CHAPTER XIII.

An Act to continue an Act, entitled, An Act to encourage the Destroying of Vermin in the several Counties therein mentioned.

I. Whereas the Act to encourage the destroying of Vermin in the several Counties therein mentioned, made in the Year of our Lord One Thousand Seven Hundred and Sixty Nine, is now near expiring, and the same being found by Experience to be of Utility:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the Same, That the before recited Act, and every Clause and Article therein, continue and be in Force from and after the passing of this Act, for and during the Space of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

III. And be it further Enacted, by the Authority aforesaid, That the said recited Act, and each and every Clause and Article in the same, shall extend to, and be in Force in the County of Onslow, in as full and ample Manner, to all Intents and Purposes as if the said County had been particularly named in the said Act.

CHAPTER XIV.

An Act to empower the Officers therein mentioned, in Certain Cases, to take the Poll at the Election of Members to serve in the General Assembly.

I. Whereas no Officer except the Sheriff, or his Deputy, is appointed by Law to take the Poll at the Election of Members to serve in the General Assembly for this Province; and as a Sheriff may die, or be disqualified, so near the Day of Election, that no Sheriff can be appointed in Time to take the Poll, by which Means some Counties may not have representatives to appear for them during a Whole Session of Assembly, and receive great Injury thereby:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Passing of this Act, in Case of the Death or Disqualifications of any Sheriff, or from any other Cause whatever, by which a County may be without a Sheriff, at the Time of any Election, that the Coroner in any County where such Shall be held, or, where there are more Coroners than One, that the Coroner living nearest the place where such Election shall be held, shall, and is hereby empowered and required, to receive the Writs of Election for such County, and to proceed thereon in the same Manner that Sheriffs are by Law directed to proceed, and shall be under the same Rules and Regulations, and Subject to the same Penalties, that Sheriffs are by Law liable and subject to; which Writ of

Election so proceeded upon, and the Return made by such Coroner, shall be deemed as valid, to all Intents and Purposes, as if performed by the Sheriff; any Law, Usage, or Custom, to the contrary, notwithstanding.

CHAPTER XV.

An Act to enlarge the Time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

(Printed in Private Acts, *post.*)

CHAPTER XVI.

An Act for amending An Act entitled An Act for erecting in the Town of Salisbury a Public Gaol, Pillory, and Stocks, for the District of Salisbury, in this Province.

I. Whereas the Trustees appointed in the before recited Act, by reason of the Late Insurrection preventing the Collection of Taxes, have not been able to discharge the Trust reposed in them within the Time Limited by the said Act.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Matthew Locke, John Dunn, James Kerr, William Steel, and James Dobbin, be, and are hereby appointed Trustees, in the Room of those appointed as aforesaid, and impowered to agree and contract with any Person or Persons for superintending and Finishing the said Gaol, Pillory and Stocks, in Manner as in the said Act is Directed, with the same Powers and under the same Restrictions, as the former Trustees by the before recited Act appointed.

III. And whereas the Tax heretofore laid on the several Taxable Persons in the District of Salisbury, hath been found to be insufficient to finish and compleat the said Gaol, Pillory, and Stocks; Be it Enacted by the Authority aforesaid, That a Poll Tax of One Shilling be laid on the Taxable Persons in the County of Rowan, and Eight Pence on the Taxable Persons in each of the other Counties in the said District, for One Year; which said Tax shall be collected, and accounted for, in the same Manner as in the before recited Act is directed.

IV. And be it further Enacted, by the Authority aforesaid, That the Trustees by this Act appointed shall be, and they are hereby invested with full Power and Authority, to receive into their Hands all Monies heretofore collected or received, by any Person or Persons whatsoever, in Virtue of any Act or Acts of Assembly, or in Virtue of any Order of the Inferior Court of the County of Rowan, for the Purposes of erecting a Gaol, for the County, or for the District of Salisbury; and also all Monies that may become due or arising from the Taxes within the District of Salisbury, in Virtue of the aforesaid Act, and this Act; and on Neglect or refusal, to proceed against all such Delinquents in the same Manner as prescribed in the said Act.

CHAPTER XVII.

An Act for amending an Act, entitled, an Act for the Better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold lots in the said Town.

I. Whereas the Freeholders of the Town of New Bern did neglect to meet at the Court House in the said Town on the second Tuesday in November last, and elect Commissioners, according to the Directions of the said Act:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That it shall and may be lawful for the Freeholders of the said Town, to meet on the Fourth Tuesday in January next, at the Court House, and elect Five Freeholders to be Commissioners, until the usual Time of electing Commissioners for the said Town; which election shall be held by the Sheriff of Craven County, in the same Manner as such Elections have been heretofore held; And the Commissioners so elected, before they enter upon the Execution of their Office, shall take the Oath by the above Recited Act directed, and thereafter shall be vested with, and are hereby declared to have the same Powers and Authorities, to all Intents and Purposes, as if such Commissioners had been elected on the Second Tuesday in November last; any Law to the contrary Notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the said Commissioners, and they are hereby directed, empowered, and required, to lay out a Street from the North Side of Pollock Street, at right Angles with the East and West Corners of the North Front of the Palace, to the Bounds of the Town; which said Street so laid out, shall be called and Known by the Name of George Street; and that the Street called Eden Street, from Pollock Street Northward, be thenceforth discontinued; and the Lots next adjoining the said George Street, on the West Side thereof, shall extend westward across where the said Street called Eden Street, now runs; and that those Lots adjoining on the East side of the said George Street, be made as nearly equal in Quantity Ground as may be, strict Regard being had by the said Commissioners to the Improvements, already made by the Owners of such Lots, so as the same shall be included within the Bounds and Limits of the said Lots by them to be laid out, and the Marks and Numbers to correspond with the present Numbers of the Lots in the Square through which the said George Street shall be laid out; and that thereafter the Owners of the respective Lots as now laid down in the Plan of the said Town, shall be entitled to the Lot to be laid out of the same Number, and shall hold and enjoy the same Estate therein, as he or she, would or could have held and enjoyed, in their respective Lots of those Numbers, if this Act had never been made; any Thing in any Former Law, to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners after having so laid out the said George Street, and set up Marks at the Corners of the several Squares in the said Town, shall make, or cause to be made, a fair and accurate Plan of the said Town, with proper Descriptions; which Plan shall forever thereafter be deemed the True Plan of the said Town, and be lodged in the Secretary's Office, and one fair Copy thereof be lodged with the Clerk of the said Town, by him to be safely kept, that all Persons may have free access thereto, on the Payment of one Shilling: And if the said Clerk shall refuse or neglect to shew the said Plan to such Persons as shall require the same, and pay the Fee aforesaid, he shall for every such refusal or neglect, forfeit and pay the Sum of Twenty Shillings; to be

recovered by the Party requiring the same, by a Warrant before any Justice of the Peace, with Costs.

V. And be it further Enacted, by the Authority aforesaid, That so much of each and every Act, and Clause of an Act of Assembly, heretofore made, as comes within the Purview of this Act, is and are hereby repealed and made void.

CHAPTER XVIII.

An Act for laying out a Town on the Land of Richard Evans, in Pitt County, by the name of Martinborough.

I. Whereas the Land of Richard Evans, on the South side of Tar River, in Pitt County, hath been represented to this Assembly as a convenient Place for Trade, and the Inhabitants of the said County being desirous that a Town should be established thereon:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That so soon as the said Richard Evans shall signify his Consent in open Court of the said County of Pitt, to have One Hundred Acres of Land laid out for a Town, as hereinafter is directed, it shall and may be lawful for Wryriot Ormond, Richard Evans, Charles Forbes, Henry Ellis, and George Evans, Gentlemen, or the Majority of them, who are hereby nominated and appointed Commissioners, with full Power and Authority to lay out the said One Hundred Acres of Land on the South Side of Tar River for a Town, by the Name of Martinborough; and they or a Majority of them, are hereby directed and impowered to lay out the same at and adjoining the said River, into Lots of Half an Acre each, with convenient Streets, and a Place for a Church and Market.

III. And be it further Enacted, by the Authority aforesaid, That when the Commissioners, or the Majority of them, shall have laid out the said Town in Manner as aforesaid, they and each of them shall have Power to take Subscriptions for the said Lots, of such Persons as are willing to subscribe for them; and when the said Commissioners shall have taken Subscriptions for One Hundred Lots, or Upwards, they shall appoint a Day, and give Public Notice to the Subscribers of the Day appointed, for drawing of the said Lots, which shall be done by Ballot, in a Fair and Open Manner, in the presence of the Commissioners, or a Majority of them; and such Subscriber shall be entitled to the Lot or Lots which shall happen to be drawn for him, and correspond with the Mark or Number contained in the Plan of the said Town; And the Commissioners or the Majority of them are hereby impowered and directed to grant, convey and acknowledge, by Deed, the said Lots, to the Persons who shall be entitled to the same, and his Heirs and Assigns forever, in Fee Simple, upon the Payment of Fifty Shillings, Proclamation Money.

IV. And for continuing the Succession of the Commissioners, Be it Enacted by the Authority aforesaid, That in Case any of the Commissioners herein named shall die, remove out of the Province, or shall refuse to Act, the Remainder of the Commissioners in this Act appointed shall and may elect and appoint other Commissioners, to serve and Act in their Stead.

V. And be it further Enacted, by the Authority aforesaid, That Charles Forbes be, and is hereby appointed Treasurer and receiver, of all such Sum and Sums of Money which shall arise by the Sale of the said Lots, for the Use of the said Richard Evans, his Heirs and Assigns: And on the Death or Departure of the said Treasurer, out of the Government, the said Commis-

sioners, or the Majority of them, or their Survivors, shall appoint some other Person, in the Room of the said Treasurer.

VI. And be it further Enacted, by the Authority aforesaid, That the Treasurer, herein appointed by the Commissioners as aforesaid, shall account for and pay unto the said Richard Evans, his Heirs or Assigns, all such Monies, as shall be by him received, on the Sale of all and every Lot and Lots that shall be sold in each Year, on the Twenty Fourth Day of June yearly.

CHAPTER XIX.

An Act for building a Court House in the Town of Salisbury, for the District of Salisbury.

I. Whereas the Court House in the Town of Salisbury, in the County of Rowan, is greatly decayed, and in so ruinous a condition that Courts cannot be held therein.

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That Mr. John Dunn, Mr. Thomas Neil, Mr. James Kerr, Mr. Thomas Polk, Mr. John Coulson, Mr. Alexander Martin, and Mr. Robert Lanier, be, and they are hereby appointed Commissioners; and they or the Majority of them, shall and may, and they are hereby required, within Eighteen Months after the passing of this Act, to agree and contract with Workmen for building and erecting a New Court House in the Town of Salisbury, on the Lot of Ground whereon the Court House now stands.

III. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Eight Pence be levied on each Taxable Person in the County of Rowan, and a Poll Tax of Six Pence be levied on the Taxable Persons in the Counties of Anson, Mecklenburg, Tryon, Guilford and Surry, for Two Years; that is to say, the Year One Thousand Seven Hundred and seventy Two, and the Year One Thousand Seven Hundred and Seventy Three; to be levied and collected by the Sheriff of the respective Counties, in the same Manner, and at the same Times as Public Taxes are by Law directed to be collected and accounted for; which said Tax so collected, shall be paid to the Commissioners, or a Majority of them, and by them shall be applied to defray and pay for building the said Court House.

IV. And be it further Enacted by the Authority aforesaid, That the said Commissioners, or a Majority of them, after the aforesaid Building shall be erected, built and finished, shall render an Account of the Monies by them received in Virtue of this Act, together with that of their Disbursements, to the Inferior Court of the County of Rowan.

V. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the respective Counties in the said District of Salisbury, for the Time being, shall, before he or they collect or receive any Part of the Tax herein laid, enter into Bond, with two sufficient Securities, to the said Commissioners, for the faithful Collection and Payment of the aforesaid Tax.

CHAPTER XX.

An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington.

I. Whereas by the before recited Act the Commissioners of the Town of Wilmington, or the Majority of them, are directed to issue their Warrants, at least twice in every Year, to warn all the Male Taxables to clear, repair,

and pave the Streets, Lanes, or Allies, and to make or mend Wharves, Docks, or Slips; which Method have been found burthensome and inconvenient, and not to answer the Purposes thereby intended: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Commissioners of the said Town, or the Majority of them, shall, and they are hereby impowered and required, within Twenty Days after the First Tuesday in January in every Year, to lay such Tax as they may judge necessary, not exceeding Fifteen Shillings, Proclamation Money, per Poll, on all the Male Taxables in the said Town; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or the Majority of them directed to any Person they shall appoint to collect the same, returnable at such Times as shall be therein mentioned; which said Collector, appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as the Sheriffs, or other Collectors of Public, County or Parish taxes, are impowered by Law; and the Money arising therefrom, after deducting Five Per cent. Commissions, shall by him be paid into the Hands of the Commissioners, or the Majority of them, to be by them applied and laid out in clearing and repairing of the Public Streets, Lanes, and Alleys, and making or repairing Public Wharves or Docks, and in any other Public Work they may judge necessary for the Benefit of the said Town.

III. And be it further Enacted, by the Authority aforesaid, That no Person shall after the passing of this Act, be obliged to Work on the Streets, or other Public Places in the said Town, or to pay any other Town Tax, but such as is hereinbefore mentioned; any Thing in the before recited Act, to the contrary notwithstanding.

IV. And whereas the Inhabitants of the said Town have been at great expence in procuring an Engine for the Extinguishing of Fire, which is now out of Repair; Be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall, and they are hereby required, within Six Months after the Passing of this Act, to have the said Engine repaired, and that they cause the same to be properly worked, at least once in every Month, under the Penalty of Forty Shillings Proclamation Money, for every Month they shall neglect to have the same done; to be recovered by any Person who shall sue for the same, before any Justice of the Peace of New Hanover County: And the Expence attending the repairing and Working the said Engine, shall be paid out of the Public Stock of the said Town.

V. And whereas the electing Commissioners annually has been found inconvenient, Be it therefore Enacted, by the Authority aforesaid, That the Commissioners of the said Town shall for the Future be elected once in every Three Years, to commence from the First Tuesday in January next; which Commissioners so elected, are hereby vested with the same Powers and Authorities, and shall be subject to the same Rules and Restrictions, as if they had been annually elected; anything in the before recited Act, to the contrary, notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town shall, and they are hereby required, to give in a List of all the Male Taxable Persons in each of their Families, on Oath, to the Commissioners, on the Third Tuesday in January in every Year, under the Penalty of Forty Shillings for every Neglect; to be recovered by Warrant under the Hands and Seals of the Commissioners of the said Town, or the Majority of them, to be applied to the Public Stock of the said Town.

VII. And whereas from the many Encroachments made on the Streets of

the said Town, by several Inhabitants erecting Piazzas, Platforms, and other Buildings therein, very much incommode the same, and may be a Means of communicating Fire across the said Streets, to the great Prejudice of the Inhabitants; Be it therefore Enacted, by the Authority aforesaid, that the Commissioners of the said Town, or a Majority of them, whenever they think it necessary, may ascertain a Ground Rent, not exceeding Forty Shillings, to be annually paid for each Piazza, Platform, or other Incroachment, on the Street (except open Piazzas, not exceeding Seven Feet wide, Steps, and Cel-lar Doors), which Ground rent shall by the said Commissioners, or a Ma-jority of them, be applied to the Public Stock of the said Town; And if any Person shall neglect to pay such Ground Rent, the same shall be levied by a Warrant, under the Hands and Seals of the Commissioners, or the Majority of them, directed to one of the Constables of the said Town, on the Effects of such Delinquent.

VIII. And be it further Enacted, by the Authority aforesaid, That no Per-son shall hereafter inclose or cover any Piazza or Platform already Built, nor for the Future make any Incroachment whatever on the Street, unless for open Piazzas or Platforms, not exceeding Six Feet in Width, Steps, and Cel-lar Doors.

IX. And be it further Enacted, by the Authority aforesaid, That all Per-sons residing Three Months in the said Town, next before the Third Tuesday in January in every Year, shall afterwards be subject to pay Taxes in the said Town.

X. And be it further Enacted, by the Authority aforesaid, That the Con-stables of the said Town refusing or neglecting to walk the Streets in Turn, in Time of Divine Service, near the Place where the same shall be per-formed, as by Law appointed, shall each of them forfeit and pay, for every such neglect, the Sum of Twenty Shillings, Proclamation Money; to be re-covered by Warrant under the Hands and Seals of the said Commissioners or the Majority of them, and the Onus Probandi shall lie on the Defendant, and the Money arising therefrom shall be paid to the Public Stock of the said Town.

XI. And be it further Enacted, by the Authority aforesaid, That the Com-missioners or the Majority of them, shall, and they are hereby impowered, to pass such Orders as they may judge necessary to prevent Slaves from keeping Houses in the said Town, or any Person or Persons dealing with Slaves not having Tickets from their Masters, Mistresses, or overseers; to prevent or remove all Kinds of Nuisances whatsoever; to oblige the Inhabi-tants to keep a Sufficient Number of Leather Buckets, in their Houses, with their Names thereon, to be ready in Case of Fire; to erect a Fire Company, under such Regulations as they may think necessary; to prevent any Per-sons making Fires upon the Wharves, in the Night Time; and every other Matter and Thing, for the good Government and Safety of the said Town, consistent with the Laws of this Province; and to enforce such Orders, by laying Fines on all Persons neglecting or refusing to comply therewith; to be recovered and applied in the same Manner, and under the same Limita-tions, as is prescribed by the before recited Act.

XII. Provided always, That if the Offender be a Slave, then and in such Case the said Slave shall be whipped by one of the Constables of the said Town, at the discretion of the said Commissioners, or the Majority of them, not exceeding Forty Lashes, unless the Master or Mistress of such Slave shall pay the Fine.

XIII. Provided also, That it shall and may be lawful for any Person or Persons who shall think him or themselves aggrieved by the Judgment or

Determination of the said Commissioners, or the Majority of them, to appeal from such Judgment or Determination to the Justices of the Inferior Court of Pleas and Quarter Sessions of New Hanover County, first giving Security to prosecute such Appeal; which said Justices are hereby empowered to determine the same in a summary Way.

XIV. And be it further Enacted, by the Authority aforesaid, that where any Person shall be prosecuted for dealing or trafficking with Negroes in the said Town, not having Tickets from their Masters, Mistresses, or Overseers, such Person shall answer the Same on Oath, and on refusal, shall stand convicted; any Law to the contrary, notwithstanding.

XV. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the Commissioners of the said Town for the Time Being to call all Persons to account for any Monies which may be in their Hands belonging to the said Town, and to issue Warrants, under their Hands and Seals, for all Arrears which may appear to be justly due from any Person whatsoever in the said Town, under the same Limitation as is prescribed by the before recited Act.

XVI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term and Space of Two Years, from and after the First Tuesday in January next, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXI.

An Act for erecting in the Town of Hillsborough a Public Gaol, and Gaoler's House, for the District of Hillsborough in this Province.

I. Whereas the Gaol formerly erected in the Town of Hillsborough has been lately burnt, and there being no Place of sufficient Strength to secure the Felons and other Prisoners, in the said District of Hillsborough: For Remedy whereof

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, Francis Nash, Thomas Hart, Thomas Person, William Johnston, James Watson, and Aaron Evans, Esquires, shall be and are hereby constituted and appointed Trustees to design, contract for, and cause to be built, and Finished, a substantial and Sufficient Gaol and Gaoler's House, of such Dimensions and Materials, and on such Part of the Public Lot in the said Town of Hillsborough, as to them, or the Majority of them shall seem most proper; which Gaol, so erected shall be and remain the Public Gaol of the several Counties now constituting the District of Hillsborough.

III. And be it further Enacted, by the Authority aforesaid, That there shall be levied on each Taxable Person within the several Counties within the said District, to-wit, Orange County one Shilling and Four Pence, Proclamation Money, and Granville, Wake, and Chatham Counties, One Shilling like Money, annually, for the Term of Two Years next after the Passing of this Act; which said respective Taxes shall by the Sheriff of each of the said Counties for the Time Being be collected, in the same Manner and under the same Penalties, for Non-Payment thereof, as is directed by Law for the Collection of other Public Taxes; and the Monies arising therefrom shall be paid by the said Sheriffs respectively to the Trustees in this Act Named, to be by them, or the Majority of Survivors of them, as aforesaid, applied towards discharging the Contracts they shall enter into for the Buildings in this Act directed.

IV. And be it further Enacted, by the Authority aforesaid, That if any Sheriff who shall be chargeable with any of the Taxes by this Act assessed, shall neglect or refuse to account for, and pay unto the Trustees in this Act Named, the whole Sums he shall be Chargeable with in Virtue of this Act, after deducting the Usual Commissions for Collecting, and such Insolvents as shall be allowed by the Court of his County, the said Trustees, or a Majority of the Survivors of them, shall have the same Method of Proceeding against such Sheriffs, by Motion, as is by Law given against Sheriffs for not accounting for other Public Monies by them received; and such Proceedings shall be good and Valid in Law, in any Court of Record within this Province having Cognizance thereof.

V. And be it further Enacted, by the Authority aforesaid, That the Trustees in this Act Named shall immediately proceed to the Discharge of the Trust reposed in them, by this Act, and shall cause the said Buildings to be finished within Two Years after the passing of this Act, at furthest; and on the Expiration of that Term, they shall lay an account, upon Oath, of their Proceedings therein, with an Account of all Monies they shall receive by Virtue hereof, and the Sums paid by them on account of the said Buildings, before the Court of each of the Counties herein Named, for their Approbation.

CHAPTER XXII.

An Act for laying out a Public Road from the Frontiers of this Province through the Counties of Mecklenburg, Rowan, Anson, and Cumberland, to Campbelton.

I. Whereas a Public Road from the Frontiers of this Province through the Counties of Mecklenburg, Rowan, Anson, and Cumberland, to Campbelton, would be of great Utility and Advantage to the Inhabitants of the Western Part of this Province, and others, and would tend much to the Advancement of Trade and Commerce;

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That John Polk, William Brooks, John Dunn, Michael Monroe, James Blythe, Archibald McAssery, and James Pickett, be, and are hereby appointed Commissioners, for laying out and establishing the said Road, and they or a Majority of them are hereby Authorized and directed as soon as conveniently may be after the Passing of this Act, to lay, Mark, stake out, or establish, or cause to be laid marked, staked out or established, a Public Road from Mecklenburg Court House, in the Town of Charlotte, from Sherrill's Ford, on the Catawba River, and from the Court House in the Town of Salisbury, respectively, the nearest and best way to the said Town of Campbelton; and the said Commissioners or a Majority of them, after having marked, staked, laid out and established the said Road, shall and are hereby empowered and directed, to make an Accurate Plan thereof; and the same to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Sessions to be thereafter respectively held for the Counties aforesaid; and the Justices of the said respective Courts are hereby directed to receive the same and are thereupon authorized and required to appoint so many overseers of the said Road within their respective Counties, as to the said Justices shall from Time to Time, appear convenient and necessary; and the said Overseers and the Inhabitants of the said Counties respectively shall open, clear, and work on the same, so to be marked, staked out, and established, as aforesaid, under the

same regulations, and shall be liable to the same Fines and Penalties, prescribed and inflicted on Delinquents by an Act of Assembly, entitled, An Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and settle Ferries, and to appoint where Bridges shall be built, for the Use and ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners shall be allowed and paid for their trouble and Expence in marking, staking, and laying out the said Road, the Sum of Five Shillings each per Day, out of the County Tax of their respective Counties.

CHAPTER XXIII.

An Act for empowering and appointing Francis Moseley, of Anson County, and James McKoy, of Rowan County, to collect and receive the Taxes which are due from the Inhabitants of the said Counties for the Year One Thousand Seven Hundred and Seventy.

(Printed in Private Acts, *post.*)

Signed by,

JOSIAH MARTIN, ESQ., Governor,

James Hasell, President.

RICHARD CASWELL, Speaker.

LAWS OF NORTH CAROLINA, 1773.

At an Assembly began and held at New Bern, the Twenty Fifth Day of January, in the Thirteenth Year of the Reign of our Sovereign Lord George the Third by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Seventy Three: Being the First Session of this Assembly. *Josiah Martin, Esq., Governor.*

CHAPTER I.

An Act for dividing the Province into Six several Districts, and for establishing a Superior Court of Justice in each of the said Districts; and for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, and regulating the Proceedings therein.

I. Whereas the establishing Superior and Inferior Courts of Justice within this Province will be productive of ease and Convenience to the Inhabitants thereof, and must necessarily tend to a due and regular Administration of Justice;

II. Be it therefore Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, this Province be, and stand divided in Six several Districts; that is to say, The Wilmington, New Bern, Edenton, Halifax, Hillsborough, and Salisbury Districts; in each of which a Court for the Tryal of Causes, Civil, and Criminal, shall be established, by the Name of the Superior Court of Justice for that District in which the same shall be held; which Courts shall consist of the Chief Justice for the Time being, and Two Associate Justices, Men of ability and learned in the Law, whom the Governor or Commander in Chief for the Time being shall constitute and appoint, who shall have Cognizance and legal Jurisdiction of all Suits and Pleas real, Personal, and mixt; and also all Suits and Matters relative to legacies, filial Portions, Estates of Intestates, all Pleas of the Crown, of what Nature, Degree or Denomination whatsoever, whether brought before them by Criminal or Mesne Process, or by Writ of Error, or Appeal from any Inferior Court, or by any other Means or Process whatsoever; and they are hereby declared to have full Power and Authority to give Judgment therein, and to award Execution, and all necessary Process thereupon; and shall have, Use, exercise and enjoy, the same Powers and Authorities, Rights, Privileges, and Pre-eminences, as are had, Used, exercised and enjoyed, by the Chief Justice or any of his Majesty's Justices of the Courts of Westminster in England: And in Case of the Death or Absence of the Chief Justice, or either of the other Justices it shall and it may be lawful for one or more of the said Justices, by himself or themselves, to hold any of the said Courts, and to take Cognizance of all Matters in the same depending, and give Judgment and award execution, in the same Manner as might have been done in Case the Chief Justice, and the Two other Justices, had been all present in Court.

III. And be it further Enacted, by the Authority aforesaid, That the Chief Justice, or either of the Associate Justices, may, as well within Courts as without, take the Probate or Acknowledgment of Deeds, or Letters of Attorney, and the Private Examination of Feme Coverts, as hath heretofore

been done by the Chief Justice in the like Cases; and such Associate Justice is hereby Authorized, to take and receive the same Fees and Perquisites, as the Chief Justice is entitled to for the like Services; which Proof shall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Usage to the contrary notwithstanding.

IV. And for the Safety of Suitors, and to prevent Irregularities in making up the Records of the Courts; Be it Enacted by the Authority aforesaid, That the Chief Justice be, and is hereby impowered to appoint experienced and discreet Clerks of the Superior Courts, who shall each of them give Bond, with Good and Sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of Two Thousand Pounds Sterling, for the safe keeping the Records, and faithful Discharge of his Duty in his Office; and also, shall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and subscribe the Test, and also take an Oath, honestly and truly to demean himself in office during his Continuance therein; and likewise the following Oath, to-wit:

I, A. B. do swear, that by myself, or any other Person, I neither have, nor will give to any Person whatsoever, any gratuity, Gift, Fee, or Reward, in Consideration of my Appointment to the Office of the Clerk of the Superior Court for the District of _____

Which said Bond shall be lodged in the Secretary's Office; and in Case of a Breach of the Condition thereof, may be put in Suit for the Benefit of, and at the Proper Costs and Charges of the Party or Parties injured, and shall not become Void upon the first Recovery, or if Judgment shall be given against the King; but may from Time to Time, be put in suit by Action of Debt, or Scire Facias, until the whole Penalty shall be recovered; and when any Judgment shall be obtained upon such Bond, the Damages assessed shall by Order of the Court, be paid to the Person or Persons Injured.

V. And be it further Enacted by the Authority aforesaid, That on the Death or Removal of any of the Associate Justices of the Superior Courts, it shall and may be lawful for the Governor or Commander in Chief for the Time Being, to constitute and appoint another or other Justices, qualified as aforesaid, in the Room of such Justice or Justices.

VI. And be it further Enacted, by the Authority aforesaid, That the Chief Justice, and Associate Justices of the Superior Courts, before they Act in any of the said Courts, shall take the Oaths by Law appointed for the Qualification of Public Officers, and repeat and subscribe the Test; and also take the following Oath to-wit:

I, A. B. do swear, that I will well and truly serve our Sovereign Lord the King and his People, in the Office of Chief Justice, or Associate Justice (as the Case may be) of the Superior Courts of Justice of the Province of North Carolina; and I will not counsel or assent to any thing that may tend to the disinheriting the King: I will do equal Law and Rights to all the King's Subjects Rich and Poor, without having regard to any Person: I will not willingly nor wittingly take by myself or any other Person, any Gift or Reward whatsoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed: I will not maintain by myself, or any other, private or openly, any Plea or Quarrel hanging in any of the King's Courts: I will not delay any Person of Common Right for the Letter of the King, or any other Person, to me directed, for any Cause; and in Case any Letters come to me contrary to Law, I will do nothing for such Letters, but will proceed to do the law, the Letters not withstanding: And finally in all Things belonging to my

said Office, during my Continuance therein, I will faithfully, truly, and justly, according to the best of my skill and Judgment, do equal and impartial Justice. So help me God.

And if the Chief Justice or either of the Associate Justices, shall presume to Act in his Office in any of the Superior Courts, without taking the Oaths herein appointed and directed, and subscribing the Test, he shall forfeit Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in any of the Superior Courts of Justice; one half to the Use of our Sovereign Lord the King, for defraying the Charges of Government, and the other Half to the Person or Persons who shall sue for the same.

III. And be it further Enacted, by the Authority aforesaid, That the Superior Courts of Justice shall be annually held for the several Districts in this Province at the following Times and Places, that is to say, for the District of Salisbury, in the Town of Salisbury, for the Counties of Rowan, Mecklenburg, Tryon, Anson, Surry, and Guilford, on the Fifth Day of March and September. For the District of Hillsborough, in the Town of Hillsborough, for the Counties of Orange, Granville, Wake, and Chatham, on the Twenty Second Day of March and September. For the District of Halifax, in the Town of Halifax, for the Counties of Halifax, Northampton, Edgcomb, and Bute, on the Eighth Day of April and October. For the District of Edenton, in the Town of Edenton for the Counties of Chowan, Perquimans, Pasquotank, Currihuck, Bertie, Tyrrel, and Hertford, on the Twenty Fifth Day of April and October. For the District of New Bern, in the Town of New Bern, for the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs, and Pitt, on the eleventh Day of May and November. For the District of Wilmington, in the Town of Wilmington, for the Counties of New Hanover, Onslow, Bladen, Duplin, Cumberland, and Brunswick, on the Twenty Seventh Day of May and November. And each Term shall continue Ten natural Days, exclusive of Sundays, by Adjournment de Die in diem, if the Business shall require so long a Time, otherwise may be sooner determined.

VIII. Provided always, That if the Day by this Act appointed for holding any of the said Courts shall fall on a Sunday, then such Court shall be held the next succeeding Day; any Thing herein contained, to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That all real Actions, Ejectments, Actions of Trespass, Quare Clausum Fregit, Suits on Penal Statutes, and Pleas of the Crown, shall be commenced in the Superior Court of the District, wherein the Cause of Actions shall have arisen, or the Offence shall have been committed, and not in any other District; and all Actions of Debt, other than on Penal Statutes, all Actions of Detinue, Replevin, Actions of Account Render, Actions of Trespass, Assault and Battery, and for the Unlawful taking of Goods, all Actions upon the Case, and Suits for legacies, or for the Distributive Shares of Intestates Estates, when the Plaintiff and Defendant shall reside in the same District, shall be brought to the Court of that District where both parties shall reside; and when the Plaintiff and Defendant shall reside in different Districts, shall be brought to the District in which such Plaintiff shall reside; and where the Plaintiff shall reside in another Province, shall be brought to the District where the Defendant shall reside in this Province; and where any Action or Suit shall be brought to the Court of any other District than as herein directed, such Action or Suit may be abated by the Plea of the Defendant.

X. And be it further Enacted, by the Authority aforesaid, That no suit shall be originally commenced or prosecuted in any of the said Superior Courts for any Debt or Demand of less value than Fifty Pounds, Proclama-

tion Money, where the Plaintiff and Defendant shall live in the same District, or less than Twenty Five Pounds like money, where the Plaintiff and Defendant shall not live in the same District; and if any Suit shall be commenced in any of the said Superior Courts, contrary to the True Intent and Meaning hereof, or if any Plaintiff shall demand a greater Sum on Purpose to evade this Act, in either Case the Plaintiff shall be non-suited and pay Costs.

XI. And be it further Enacted, by the Authority aforesaid, That the said Courts shall not be discontinued, or any of the Proceedings therein depending, by Reason of the Death of the Chief Justice or any of the Associates, or any Let or Hinderance of their not attending at any Term; but in such Case, all Pleas, Causes, Matters, and Things, therein depending, shall stand continued in the same Condition in which they then shall be, to the next succeeding Term.

XII. And be it further Enacted, by the Authority aforesaid, That all Writs, as well original Writs as others, and every Summons, and other legal Process shall bear Test of the Chief Justice, and be signed by the Clerk of the Court from whence the same shall issue, and be made returnable to the same Court; and the Sheriff shall return such Writ or Process accordingly.

XIII. And be it further Enacted, by the Authority aforesaid, That until the Commencement of the First Term of each of the said Superior Courts, Writs and other Process may bear test at the time of issueing the same, and such Writs and Process so tested before such Term shall be valid in Law; any Usage or Practice of Court, to the contrary, notwithstanding.

XIV. And be it further Enacted, by the Authority aforesaid, That all such Writs or Process, except Subpoenas for Witnesses returnable immediately, shall be returned to the First Day of the Term to which the same is returnable, and be executed at least Ten Days before the beginning of such Term; and if any Original or Mesne Process shall be taken out in Term Time, or within Ten Days before the Beginning of any Term, such Process shall be made returnable to the Term next succeeding, or the Term succeeding that which shall commence within Ten Days after taking out such Process, and not otherwise; and all Process made returnable or executed at any other Time, or in any other Manner, than by this Act directed, shall be void.

XV. Provided nevertheless, That nothing herein contained shall be construed to invalidate or vacate any Process, Warrant, or Precept, issued by the Chief Justice, or any of the Associate Justices of the said Courts, or any Justice of the Peace, or Clerk of the Crown, or any Criminal Prosecution in his Majesty's Behalf, but that the same may be returnable at any Day in the Term which the same is returnable; and the Proceedings in Criminal Suits and Prosecutions, shall be had according to the Laws and Statutes of Great Britain, and of this Province; any Thing herein contained, to the contrary, notwithstanding.

XVI. And be it further Enacted, by the Authority aforesaid, That when any Writ shall Issue from any of the said Courts, whereby the Sheriff shall be commanded to take the Body of any Person or Persons, to answer in any Action in any of the said Courts, such Sheriff shall take Bond, with Two sufficient Securities, for double the sum for which such Person or Persons shall be held in arrest, except where the Defendants are executors or administrators, or sued on Penal Statutes, and shall return such Bond with the Writ; and in Case the Sheriff shall fail or neglect to take such Bail, or the Bail returned be held insufficient, on Exception taken, and entry thereof made on the Docket of the Court the Term to which such Process shall

be returnable, the Sheriff, in either of the said Cases, shall be deemed and stand as special bail, and the Plaintiff may proceed to judgment, according to the Rules herein after mentioned.

XVII. And be it further Enacted, by the Authority aforesaid, That when any Sheriff shall return that he hath taken the Body of any Defendant, and committed him to the Prison of his County, which is hereby declared to be the proper Prison for such Commitment, for want of Bail, the Plaintiff may enter the Defendant's appearance, and he shall be at liberty to Plead, as if such Appearance had been entered by himself, and the Plaintiff may proceed to Judgment as in other Cases in this Act directed; nevertheless, the Defendant shall not be Discharged out of Custody, but by putting in Bail, or Rule of Court.

XVIII. And be it further Enacted, by the Authority aforesaid, That all Bail taken according to the Directions of this Act, shall be deemed, held, and taken to be Special Bail, and as such liable to the Recovery of the Plaintiff, but the Plaintiff after final Judgment, shall not take out Execution against such Bail, until an Execution be first returned that the Defendant is not to be found, and also shall take out a Scire Facias, returnable to the said Court, which shall be made known to the Bail; and that after the Return of such Execution against the Principal, and Scire Facias against the Bail, Execution may issue against the Principal and Securities, or either of them, or either of their Estates, unless the Bail shall surrender the Principal at or before the return of the First Scire Facias; any Law Usage, or Custom, to the contrary, notwithstanding.

XIX. And be it further Enacted, by the Authority aforesaid, That when any Scire Facias, issued according to the Directions of this Act, shall be by the Proper Officer returned made known, the Bail shall plead, and the Matter be tried at the first Term to which such Process shall be returned, unless the Bail shall shew sufficient Cause to the Court to delay the same.

XX. Provided nevertheless, That if any Sheriff shall return on a Scire Facias to him directed, that the Principal is imprisoned in the Prison of his County, or any other, by Virtue of any Process in any Civil Action, the Court to which such Scire Facias is returnable shall, on Motion of the Plaintiff or Bail, order and direct that such Principal be retained in Gaol where he or she shall be a Prisoner, until he or she shall have paid the Plaintiff's Judgment and Costs, or otherwise discharged by due Course of Law; a Copy of which Order being served on the Gaoler of such Prison, before such Prisoner's Releasement, shall be a sufficient Authority for him to retain such Prisoner until such Order be complied with, and also shall be deemed a Surrender of such Principal, and as such Discharge the Bail.

XXI. And for the better ascertaining what Process shall issue, when the Sheriff shall return that the Defendant is not to be found within his Bailiwick; Be it Enacted by the Authority aforesaid, that when the Sheriff shall make such Return in any Civil Action, the Plaintiff or Plaintiffs, at his or their Election, may sue out an Attachment against the Estate of such Defendant, or an Alias or pluries Capias, until he be arrested, returnable as herein before mentioned for the Return of the Original Process: And if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to plead within the Time herein directed, the Plaintiff shall be entitled, if in an Action of Debt, to final Judgment, and if in an Action on the Case, to a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next Court, and the goods so attached, if not replevied or sold according to the direction herein after mentioned, for Goods attached on original Attachments shall remain in the Custody of the Sheriff until

such Judgment obtained, and then to be disposed of in the same Manner as Goods taken in Execution on a Writ of Fieri Facias; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

XXII. And be it further Enacted, by the Authority aforesaid, That in case any Plaintiff shall obtain Judgment final in an Action of Debt at the First Court to which the Writ or Process is returnable, That it shall be Lawful for him to execute his Enquiry as to the Value of the Currency or Money upon which such Judgment is founded, at the Term in which such Judgment shall be entered or obtained.

XXIII. And be it further Enacted, by the Authority aforesaid, That it shall be lawful for the Chief Justice, or the Justices of the Superior Courts, or any Justice of the Inferior Courts, upon Complaint made by any Person, his Attorney or Agent, on Oath, that his Debtor has removed, or is removing himself out of the County privately, or absconds or conceals himself so that the ordinary Process of Law cannot be served upon him, and also further swear to the amount of his or her Debt, to the best of his or her Knowledge shall thereupon grant an Attachment against the Estate of such Debtor, where ever the same may be found, or in the Hands of any Person or Persons indebted to, or having any of the Effects of the Party absconding, or so much thereof as shall be of Value sufficient to satisfy the Debt and Cost of such complaint; which Attachment shall be returned to the Court where the debt or matter is cognizable, and such attachment shall be deemed the leading Process on such Action, and the same Proceedings shall be had thereon as on an Attachment on a Return of Non est Inventus by the Sheriff.

XXIV. Provided always, that every such Justice, before granting such Attachment, shall take Bond and Security of the Party for whom the same shall be issued, in double the sum to be attached for, payable to the Defendant, for satisfying and paying all costs which shall be awarded to the said Defendant, in Case the Plaintiff suing out such Attachment should be cast in his Suit, and also all Damages which shall be recovered against the said Plaintiff in any Suit or Suits which may be brought against him for suing out the said Attachment, and for all Damages wrongfully suffered by the Person against whom such Attachment was prayed, by Reason of the Plaintiff's wrongfully suing out the same; which Bond shall be returned to the Court to which the Attachment is returnable, by the Justice who shall grant the same; and every attachment issuing without such Bond taken, and returned as aforesaid, and Oath made as aforementioned, is hereby declared Void, and shall be abated, on the Plea of the Defendant.

XXV. And be it further Enacted, That when any Person, Inhabitant of any other Government, shall be indebted to, or hath done any Tort or Injury to any Person, a Resident of this Providence, and cannot personally be served with the Process, and hath Effects in this Government, any of the said Justices may grant an Attachment against the Estate of such Person indebted, or who hath done any Tort or Injury as aforesaid, under the Rules, Restrictions and Regulations aforementioned, and the same Proceedings may be had thereon.

XXVI. And be it further Enacted, by the Authority aforesaid, That when any Goods or other Estate, shall be attached by Virtue of an Attachment, whether Judicial or Original, it shall and may be lawful for such Person or Persons, his, her, or their Attorney, to replevy the same, by giving Bond, with good Security, to the Sheriff, or other Officer serving the said Attachment (which Bond the Sheriff, or other Officer is hereby empowered

and required to take) to appear at the Court to which such Attachment is returnable, and to abide by, perform, and satisfy the Order and Judgment of such Court, and when the Estate attached shall by Three Justices of the Inferior Court of the said County, to be summoned by the Sheriff for that Purpose, be certified on Oath, to be Perishable, if the Person or Persons to whom it belongs shall not, within Sixty Days after the serving such Attachment, replevy the same, then such Estate shall be sold at Public Vendue, by the Sheriff or other Officer serving such Attachment, having first advertised such Sale at the Court House, and other Public Places in his County, at least Ten Days before the Sale; and the Money arising by such Sale shall be liable to the Judgment obtained upon such Attachment, or to be deposited in the Hands of the Clerk of the said Court to which such Process is returnable, then to wait the event of the Judgment upon such Attachment; and where the Sheriff or other Officer shall serve an Attachment in the Hands of any Person or Persons indebted to, or having any of the Effects of the Party absconding, he shall at the same time Summons such Garnishee or Garnishees to appear at the Court to which the Attachment is returnable, within the First Four Days thereof, there to answer upon Oath, what he or she is indebted to such Party, and what Effects of such Party he or she hath in his or her hands, and had at the time of serving such Attachment; and where any Attachment shall be returned served in the Hands of the Garnishee, in Manner aforesaid, it shall be lawful, upon his or her Appearance and Examination, and in Manner afore mentioned, to enter up Judgment, and award Execution against every such Garnishee or Garnishees, for all Sums of Money due from him, her, or them, to the Person absconding, in his, her, or their Custody or Possession, for the Use of the Party obtaining such Attachment, or so much thereof as shall be of value sufficient to satisfy the said Debt, and Costs of Complaint; and all Goods and Effects whatsoever in the Hands of any Garnishee or Garnishees, belonging to such absconding Person, shall be liable to satisfy such Judgment; and where any Garnishee shall be returned by the Sheriff or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, in Manner by this Act directed, it shall be lawful, and the Court is hereby authorized to enter a Conditional Judgment against such Garnishee, and upon such Judgment so entered shall issue a Scire Facias against the said Garnishee, to shew Cause, if any he hath, at the next Superior Court, why Judgment final should not be entered against him; and upon such Scire Facias being duly executed and made known, such Garnishee shall fail to appear at the next Court, and discover on Oath, in Manner aforesaid, the Court shall, and are hereby required, to confirm such Judgment, and award Execution for the Plaintiff's whole Debt or Damages, and Costs.

XXVII. And whereas Divers Persons, possessed of Lands, Tenements, and Hereditaments, within this Province, have contracted, or who may contract debts with Merchants and others, or have Committed, or may commit Torts or Injuries to Persons therein, and reside out of the Province, without having Personal Estate within the same to satisfy such Debts or Damages: For Remedy whereof. Be it Enacted by the Authority aforesaid, That the Party Plaintiff, his Attorney, Agent or Factor, shall sue out a Judicial attachment from the Court to which such Original Attachment was returnable; and the Sheriff or other proper Officer, shall serve such Attachment upon the Lands and Tenements, and Hereditaments of such Debtor, and shall at the Court House and Church, or Chapel, of the County where such Lands, Tenements, and Hereditaments lie, Twenty Days at least before the return-

ing such last mentioned Attachment, give Notice in Writing, as follows, to-wit:

On the ——— Day of ——— A. D., 17—, I attached ——— Lands, the Property of ——— at the Suit of ——— upon a Process returnable to ——— Court.

And upon such Notice given, and Proof thereof made, the Court shall grant a Judgment by Default.

XXVIII. Provided always, That it shall be lawful for any Person against whose Estate any Attachment has issued as aforesaid, at any Time before such Final Judgment entered, or Writ of Enquiry Executed, upon giving special Bail, to replevy the Goods attached, and Plead to Issue, so that the Plaintiff is not thereby delayed of his Trial.

XXIX. And for Prevention of Errors in issueing Attachments, and taking Bonds thereupon; Be it Enacted by the Authority aforesaid, That the following Form shall be observed and used, that is to say, the Attachment as followeth, to-wit:

North Carolina, ——— County, ss.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc., To the Sheriff of ——— County, Greeting: Whereas A. B. or F. G. Attorney, Agent, or Factor (as the Case may be) hath complained on Oath to ——— Justice of the ——— Court, that E. F. late of your County, ——— is justly indebted to him the Sum of ——— or hath indamaged him to the amount of ——— and Oath having been made also that the said E. F. hath removed himself privately out of your said County, or so absconds or conceals himself that the Ordinary Process of Law cannot be served on him; and hath given Bond and Security, according to the Directions of the Act of Assembly in such Case made and provided: We therefore command you that you attach the Estate of the said E. F. if to be found in your Bailiwick, or so much thereof repleviable on Security given, as shall be of Value sufficient to satisfy the said Debt or Damages, and Costs, according to the Complaint; and such Estate so attached in your Hands to secure, or so to provide that the same may be liable to further Proceedings thereupon, to be had at our next Court to be held for ——— of ——— at ——— on the ——— Day of ——— next, so as to compel the said E. F. to appear and answer the above complaint of the said A. B. when and where you shall make known to our said Court how you shall have Executed this Writ.

Witness ——— Esquire, Justice of our said Court, at ——— the ——— Day of ——— in the ——— Year of our Reign.

Which Attachment shall be signed by the Justice who shall grant the same, and the Bond to be given, on obtaining such Attachment, shall be in the following Form, to-wit:

Know all Men by these Presents, That we A. B. C. D. and J. K. all of the County of ——— are held firmly bound unto E. F. in the sum of (double the Sum in the Attachment) to be paid to the said E. F., his Executors, Administrators, or Assigns: To which Payment well and truly to be made, we bind ourselves, and each of us, our Heirs, Executors, and Administrators, jointly and severally, firmly by these presents. Sealed with our Seals, and dated this ——— Day of ——— in the Year of our Lord.

The condition of the above Obligation is such, That whereas the above bounded A. B. hath, the Day of the Date of these Presents, prayed an Attachment against the Estate of the above Named E. F. for the Sum of ——— and hath obtained the same, returnable to the next ——— Court, to be held at ——— on the ——— Day of ——— next ———. Now if the

said A. B. shall prosecute his said Suit with Effect, or in Case he be cast therein, shall Well and truly Pay and Satisfy to the said E. F. all such Costs and Damages as shall be awarded and recovered against the said A. B. by the said E. F. in any Suit or Suits which may be hereafter brought by the said E. F. against the said A. B. for wrongfully suing out the said Attachment; then the above Obligation to be void, otherwise to remain in Full Force and Virtue.

XXX. Provided nevertheless, That no attachment shall be abated for want of Form, so that the Essential Matters expressed in the foregoing Form be set forth in such Attachment.

XXXI. And be it further Enacted, That in all Cases of Original and Judicial Attachments against Persons residing in Europe, the Courts to which the same is brought shall continue the Suit Twelve Months; and if the Defendant put in Bail, appear, and plead within that time, that in such Case his Estate may be liberated, and the Garnishee discharged.

XXXII. And XXXIII. And be it further Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed in the said Superior Courts, to-wit:

That the Plaintiff shall file his Declaration in the Clerk's Office on or before the second Day of the Term to which his Suit is brought, and serve the Defendant with a Copy at least Five Days before the Commencement of such Term, otherwise the Action may be abated on the Plea of the Defendant. That the Defendant shall appear and plead, or demur, within the First Three Days of the Term to which the Writ is returnable, otherwise the Plaintiff may have Judgment by Default, in which Case Judgment shall be final, unless where Damages are suggested on the Roll; and in that Case, and in all others, except as heretofore provided, where the Recovery shall be in Damages, a Writ of Enquiry shall be executed at the next Term; provided, that where the Nature of the Action requires special Pleading, the Time for Pleadings may be Enlarged by the Court. That where the Defendant pleads specially, the Plaintiff shall reply or demur in Three Days, or a Non Pros may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Issue, the Defendant shall join Issue or Demur in Three Days, or the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder within Three Days, or Judgment shall go against him, unless the Time for Pleading shall be enlarged as aforesaid; and the same time shall be given, and Rules observed, through the whole Course of Pleadings.

That when a Special Verdict shall be found, Case Agreed, Demurrer, or Bill of Exceptions to the Evidence tendered, Time shall be allowed, upon Motion of either Party, to the next Term to argue the same.

That for the more entire and Better Preservation of the Records of the Courts, when any Cause is finally Determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book well bound, and an Entire and Perfect Record made thereof.

That all Jury Causes be first tried.

That all Motions in Arrest of Judgment shall be argued within the Three last Days of the Term the Issue is tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment next Day after such Motion.

That arguments on Writs of Error, special Verdicts, Cases agreed, Demurrers, Petitions for legacies, and Distributions of Intestates Estates, shall be heard within the Four last Days of the Term.

That no Plea in abatement shall be received in any of the said Courts,

unless the Party offering the same shall by affidavit, or otherwise, prove the Truth of such Plea.

That where a Plea in abatement shall be pleaded, and upon Argument the same shall be adjudged insufficient, the Plaintiff or Plaintiffs shall recover against the defendant full Costs to the Time of over Ruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many several Matters as may be necessary for his Defence, so as he be not admitted to plead and demur to the whole.

XXXIV. And be it further Enacted, by the Authority aforesaid, That all the Statutes of Jeofails, and amendments, which are now in Force in England, are hereby declared to extend, and be in force in this Colony; and shall be duly observed by all Judges and Justices of the several Courts of Record within the same, according to the true Intent and Meaning of the said Statutes.

XXXV. And be it further Enacted by the Authority aforesaid, That the following Orders, Rules, and Methods for taking the Testimony of Witnesses, in all Causes to be depending in the said Courts, be observed and put in Practice, to-wit:

That in all Causes where Witnesses are to appear at any of the said Courts, a Subpoena shall be issued by the Clerk, directed to the Sheriff or the County where such Witness or Witnesses reside, mentioning the Time and Place for their Appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Instance they are summoned.

That every Subpoena, returnable immediately, shall be personally served on the Witness or Witnesses therein Named.

That a Copy of every Subpoena issued by the Clerk in Vacation Time, and returnable to any Day in the next Term, in Case the Witnesses thereby to be summoned are not to be found at home, may be left at the Usual Place of Residence of such Witness or Witnesses; and leaving such Copy as aforesaid, shall be a good and legal Service, and the Person or Persons thereby summoned bound to appear, under the like Penalties as if Personally summoned.

XXXVI. And be it further Enacted, by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts in Manner as herein before directed, shall appear accordingly, and continue to attend from Court to Court, until discharged by the Court, or the Party at whose Instance he was summoned; and in Default thereof, shall be subject to the Pains and Penalties herein before mentioned; Any Law Usage, or Custom, to the Contrary, notwithstanding.

XXXVII. And be it further Enacted, by the Authority aforesaid, That if any Person summoned to attend as aforesaid shall fail to appear accordingly, every such Person so failing, shall forfeit to the Person or Persons at whose Instance the Subpoena was issued, Twenty Pounds Proclamation Money, and shall be further liable to the Action of the Party endamaged, for Want of such Witnesses Testimony, who shall Recover his full Damages and Costs.

XXXVIII. Provided always, That if sufficient Cause be shewn by the Person so summoned, or for whom such Copies shall be so left, and failing to appear, of his or her incapacity to attend at the time he or she ought to have appeared, then no forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shown at the next succeeding Term after

such Failure, on Notice Given, it shall and may be lawful for the Court on Motion, to grant Judgment for the Forfeiture before mentioned, against the Person or Persons, so summoned, and failing to appear as aforesaid.

XXXIX. And be it further Enacted, by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts in Manner as before directed, who by Sickness, Age, in Gaol, or any other Cause, shall be incapable of attending Court to give Evidence, or shall reside out of the Province, on Oath made thereof, or the Truth of the same otherwise sufficiently appearing, the Judge or Justices of the Court wherein the Suit is depending, shall and may, by Commission, as from Time to Time may be necessary, empower such and so many Persons as they shall think necessary, to take and receive the Depositions of such Witness; which upon being duly returned, shall be received as legal Evidence.

XL. Provided always that the Party praying such Commission as aforesaid, shall give such Notice to the adverse Party, of the Time and Place when and where such Commission is to be executed, as the Court shall think Proper; and the adverse Party shall have leave to Cross examine any Witness or Witnesses whose Depositions shall be so taken; and all Depositions otherwise taken than is herein directed, unless by Consent of Parties, shall be Void, to all Intents and Purposes.

XLI. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, who may be a Witness or Witnesses in any Cause depending in any of the said Courts, shall be under a Necessity of departing this Colony before the said Cause is to be tried, that upon Oath made thereof before the Chief Justice, or any of the Justices of the said Courts, and the Cause of excuse approved by him the said Chief Justice, or other Justice, is hereby empowered to issue a Commission to one or more Persons to take the Deposition of such Witness, Ten Days notice being previously given to the adverse Party, or his or her Attorney, of the Time and Place when such Commission is to be executed; which Deposition, when returned, shall be received as legal Evidence.

XLII. And be it further Enacted, by the Authority aforesaid, That if any Person who shall be summoned as a Witness in any of the said Courts, or before any Persons appointed to take Depositions, shall refuse to give Evidence on Oath, such Person so refusing shall be committed to the Common Gaol, there to remain without Bail or Mainprize, until he or she be willing to give Testimony, in such Manner as the Law now doth, or hereafter shall direct; provided that the people called Quakers shall have the same Liberty of giving their Testimony, by Way of solemn Affirmation, as by an Act of Parliament made in the Eighth Year of the Reign of his Majesty, King George the First, entitled, An Act for granting the People called Quakers such Terms of Affirmation or Declaration, as may remove the Difficulty which many of them lie under; and that all Negroes, Indians, Mulattoes, and all of mixed Blood, descended from Negro or Indian ancestors, to the Fourth Generation, bond or free, shall be deemed and taken to be incapable in Law to be Witnesses in any Case whatsoever, except against each other.

XLIII. And be it further Enacted, by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to any Superior or Inferior Court, and as such Person is going to or returning from the Place of such Attendance, allowing One Day for every Twenty Five miles such Person's residence shall be distant from the same, no Sheriff or other Officer, shall serve or execute on any Person so attending, going to, or returning from such Court, any Writ, Process, Warrant, Order, Judgment or

Decree, in any Cause; and if any such shall be served or executed, the same shall, and is hereby declared to be null and void.

XLIV. And be it further Enacted, by the Authority aforesaid, That for every Mile any Witness shall travel, either going to or returning from the Court to which such Witness shall be summoned to appear, there shall be paid to him, by the Party at whose Instance the Subpoena issued, Three Half Pence, Proclamation Money, per mile, together with the necessary Charges of Ferriages; and Three Shillings, like Money, for every Days Attendance, from the Time appointed for the appearance until the Time such Person shall have given Evidence, or shall be discharged. Provided, That in any Bill of Costs, there shall not be allowed the Charge of more than Two Witnesses to any One particular Matter of Fact.

XLV. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Superior Courts are impowered, and are hereby directed, to take Probate of all Evidence Tickets, upon Oath, and to certify the same.

XLVI. And be it further Enacted, by the Authority aforesaid, That the Superior Courts shall have Power and Authority to Grant, Writs of Error, for Correcting the Errors of any Inferior Court, where the same shall be necessary; and the Party praying such Writ of Error, before the same shall issue, shall assign Error, and give Bond and Security, to be approved by the Court, to abide by, perform, and fulfill the Judgment which shall be given thereon by such Court: And if upon argument of any Writ of Error, or Trial of any Appeal from any Inferior Court, the Judgment or Decree of the Inferior Court shall be reversed, the Superior Court shall grant Judgment, or make such decree thereupon, as should have been entered or made up in such inferior Court, and shall and may issue Execution thereon, without Granting a Writ of Procedendo; and to prevent the obtaining Writs of Error by surprise, the party praying such Writ in Civil Cause, shall give notice to the adverse Party of his Moving for such Writ, at least Ten Days before such Motion; and no such Writ shall be granted without an affidavit of such Notice.

XLVII. And for preventing long and Impressive Imprisonments, Be it Enacted, by the Authority aforesaid, That when any Person shall be committed in any civil Action to the Gaol of any County, by Process issuing out of any Inferior Court, for any Manner Cognizable in the Superior Court, it shall and may be lawful for the said Superior Court for the District in which such Person shall be imprisoned, upon Petition, and Cause shewn by the Persons so imprisoned, to issue out a Habeas Corpus cum Causa, to remove the Body of such Defendant into the Gaol of the Superior Court, and the cause of commitment into the said Court; and the Clerk of the said Court is hereby authorized, directed and required, by Order of the Court, to issue such Writ accordingly; and the Court shall and may proceed therein, and Bail, discharge, or retain such Prisoner, as the Right of the Case may require.

XLVIII. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Writs, Suits, Attachments, Complaints, Process, Recognizances, Indictments, and Presentments whatsoever, that are or shall be depending in any of the late Superior Courts of Justice within this Province, or such as shall be returnable to, or had, or shall have Day or Days, in any of the said Late Courts, or other Matters or Things in Them depending, and not fully determined, shall be transferred and put on the Dockets of the respective Courts hereby established, in the same Order they shall then stand in the dockets of the said late Superior Courts respectively; and shall be proceeded in by the said Superior Courts hereby established, according to the Method by this Act directed, as if the same had originally been commenced

in any of the same, due Regard being had that such Courts take Cognizance of such Suits, Matters and Things, the Cause or Causes whereof arose, or is suggested to have arisen, within their respective Districts.

XLIX. And be it further Enacted, by the Authority aforesaid, That in all Cases, wherein by any Act of Assembly heretofore Made, Action is given, or Recovery directed to be had, in any of the late Superior Courts within this Colony, in every such Case, after the passing of this Act, suit may be brought for the same Cause of Action, and Recovery had in the Superior Courts hereby established, and Judgment and Execution shall be entered, as in other Cases by this Act directed.

L. And be it further Enacted, by the Authority aforesaid, That all Writs, and other Process, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted in the late Superior Courts, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Superior Courts of the respective Districts hereby established, wherein the Cause of Action did arise, or was suggested to have arisen; and such Courts may respectively award execution, or other necessary Proceedings on such Judgment or Decree in the same Manner as if such Suit had been originally commenced in such Court; any Law, Usage, or Custom to the contrary, notwithstanding.

LI. And be it further Enacted, by the Authority aforesaid, That where in any of the late Superior Courts any Recognizance has been forfeited, or Fine imposed, and not hitherto paid, it shall and may be lawful for the Superior Courts hereby established, of the District in which such Recognizance was or shall be forfeited, or Fine imposed, to issue Execution for levying the same, after the Party shall be served with a Writ of Scire Facias, and fails to shew sufficient cause to the contrary; and in all Recognizances which hereafter shall be forfeited, or Fines which shall hereafter be imposed, in any of the Superior Courts, the same Process shall issue, and the Forfeiture be levied in the same Manner, unless sufficient cause be shewn, on the return of the Scire Facias, why such Forfeitures should be discharged, or mitigated by the Court.

LII. And whereas many of the Prisons within this Province are insufficient for the retention of Persons who may commit Capital and other Offences against his Majesty, his Peace and Government; therefore, for the Speedy Trial of such Offenders, Be it Enacted by the Authority aforesaid, That the Governor, or Commander in Chief for the Time Being, so often as he shall find it necessary, is hereby impowered and authorized to issue a Commission of Oyer and Terminer and General Gaol Delivery; under the great Seal of the Province, directed to the Chief Justice and his Associates, or either of them, for the Trial of any such Offenders; and the said Justices so commissioned, or either of them, after Receipt thereof, are hereby impowered to hold a Court, within the Time limited by such Commission, for the Trial of every such Offender; and to hear and determine all Crimes and Misdemeanors, of what Nature or Kind-soever, wherewith such Offender or Offenders is or shall stand Charged, and give Judgment, and award Execution thereon.

LIII. And be it further Enacted by the Authority aforesaid, That his Excellency the Governor, or Commander in Chief for the Time Being, shall by Commission constitute Justices of the Peace for the several Counties in this Province, and in such Commission shall for each County nominate and appoint not more than Seven, nor less than Five of the Quorum; which Justices shall be stiled of the Quorum in such Commission, and shall be Inhabitants of the County to which they shall be so appointed.

LIV. And be it further Enacted, by the Authority aforesaid, That such Justices of the Quorum, together with others named in the Commission, shall be Judges of the Inferior Courts of Pleas and Quarter Sessions, and have all the Powers incident to such Jurisdiction. Provided always, That of the Justices sitting on the Bench, there shall be a greater Number of the Quorum; than of the other Justices not of the quorum; which Courts shall be called Inferior Courts of Pleas and Quarter Sessions, and taken and held to be Courts of Record.

LV. And be it further Enacted, by the Authority aforesaid, That every Person nominated and appointed a Justice of any Inferior Court, before his entering upon and executing the said Office, shall publicly in the Court House of his County, on a Court Day, take the Oaths appointed, or which shall be appointed to be taken by Act of Parliament, for the Qualification of Public Officers, repeat and subscribe the Test; and shall also take the following Oath, to-wit:

I, A. B., do swear, That as a Justice of the Peace in the County of ——— in all Articles in the Commission to me directed, I will do equal Right and Justice to the Poor and to the Rich, after my cunning, Wit and Power, and According to Law; and I will not be of Council in any Quarrel hanging before me; I will not let for Gift or other Cause, but well and truly I will do my Office of a Justice of the Peace, as well within the Inferior Court of Pleas and Quarter Sessions of the said County as without; and I will not take any Fee, Gift, or Gratuity, for any Thing to be Done by Virtue of my Office; and I will not direct, or cause to be directed, any Warrant by me to be made to the Parties, but I will direct them to the Sheriff or Constable of the County, or other the King's Officers or Ministers, or other Indifferent Person, to do Execution thereof. So Help Me God.

And if any Person whatsoever shall presume to execute the Office of a Justice of any Inferior Court, without first qualifying himself in the Manner by this Act before required, he shall for every such Offence, forfeit and pay One Hundred Pounds, Proclamation Money; one Moiety to his Majesty, his Heirs and Successors, towards the Support of this Government, and the other Moiety to the Informer; to be recovered with Costs, by Action of Debt, in any Court wherein the same is Cognizable.

LVI. And be it further Enacted, by the Authority aforesaid, That the said Inferior Courts of Pleas and Quarter Sessions shall be constantly held upon the Days following, to-wit, Dobbs and New Hanover, on the first Tuesdays in January, April, July and October. Onslow and Anson, on the Second Tuesdays in January, April and July, and October. Perquimans, on the Third Monday in January, April, July and October. Duplin and Mecklenburg, on the Third Tuesday in January, April, and July and October. Cumberland, Pitt and Tryon, on the Fourth Tuesdays in January, April, July, and October. Bute on the last Tuesdays in January, April, July and October. Granville, Bladen, and Rowan, on the First Tuesdays in February, May, August and November. Chatham and Surry, on the Second Tuesdays in February, May, August, and November. Johnston, Guilford, and Hertford, on the third Tuesdays in February, May, August and November. Edgecomb, Orange and Tyrrell, on the Fourth Tuesdays in February, May, August, and November. Northampton, Wake, Currituck, and Hyde, on the First Tuesdays in March, June, September and December. Craven, Halifax, and Pasquotank, on the second Tuesdays in March, June, September and December. Carteret, Chowan, and Brunswick, on the Third Tuesdays in March, June, September, and December. Beaufort and Bertie, on the Fourth Tuesdays in March, June, September, and December, in each Year.

LVII. Provided nevertheless, That if the Business of any of the said Courts cannot be determined on the Court Day, the Justices may adjourn from Day to Day, not exceeding Five Days; at the End of which Time, if the Causes and Matters depending before them shall not be finally determined, or otherwise continued in the Manner hereinafter directed, the same shall be continued to the next succeeding Court.

LVIII. Provided also, That if through Sickness, or other Inability, or Badness of Weather, or other Accidents, it shall so happen that a sufficient Number of Justices shall not meet for holding the said Courts on the Days hereinbefore appointed, in such Case, it shall and may be Lawful for any One Justice to adjourn the Court whereof he shall be a Member, from Day to Day, not exceeding Three Days, until a sufficient Number of Justices can attend to hold Court.

LIX. And be it further Enacted, by the Authority aforesaid, That none of the said Courts, or Process in any of them depending, shall be discontinued for or by Reason of the Justices failing to hold Court upon the Day by Law appointed, or of any alteration of any of the said Days appointed for holding the said Courts; but in every such Case, all such Process, Matters, and Things depending, shall stand continued, and all Appearances upon Returns of Process, shall be made to the next succeeding Court in Course, in the same Manner as if such succeeding Court had been the same Court to which such Process stood continued, or such Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances, and all Returns, shall be of the same Force and Validity for the Appearance of any Person or Persons at such Succeeding Court, and all summons for Witnesses as Effectual, as if the next succeeding Court had been expressly mentioned therein.

LX. And be it further Enacted, by the Authority aforesaid, That the Justices of the said Inferior Courts of Pleas and Quarter Sessions, or any Three of them, Two whereof to be of the Quorum, shall and may take Cognizance of, and are hereby declared to have full Power, Authority, and Jurisdiction, to hear and determine all Causes whatsoever at the common Law within their respective Counties, where the Debt, Damages, and Cause of Action, is above Five Pounds, Proclamation Money, and shall not exceed Fifty Pounds, like Money (Actions of Trespass, in Ejectment Formedon, in Descender, Remainder, and Reverter, Perjury and Felony, and such criminal Causes where the Judgment, upon Conviction, shall be for the Loss of Life or Member excepted) and all Petit Larcenies, Assaults, Batteries, and Trespasses (other than such Trespasses wherein the Title of the Freehold shall or may come in Question) Breaches of the Peace, and other Misdemeanors of what kind soever of an Inferior Nature, and all filial Portions and Legacies, and Distributions of Intestates' Estates, and other Matters thereto relating, for any Sum or Sums not exceeding Fifty Pounds, Proclamation Money; and the said Justices of the Peace, and every of them, at all Times during their Continuance in their Office, as well within their Inferior Court of Pleas and Quarter Sessions as without, shall have full Power and Authority, as amply and as fully, to all Intents and Purposes, as the Justices of the Peace in the Counties of England, to preserve, maintain, and keep the Peace within their respective Counties.

LXI. And be it further Enacted by the Authority aforesaid, That the said Inferior Courts respectively shall and may, by summons or other legal Process, upon Application made to them, compel any Person or Persons whatsoever, having in their Possession any Will or Testament of any deceased Person, to exhibit the same to the Court, in order to a Legal Probation

thereof, and also to receive the Probate of Wills, and order the same to be recorded, and make Orders for issueing Letters testamentary and Letters of Administration; and the Clerk shall and may take Two Shillings and Eight Pence for recording each Will.

LXII. Provided always, That any Person who hath a Right to execute a Will, or to administer the Estate of any Intestate, who shall think himself injured by such Order, may enter a Caveat in the Court wherein such Order shall be made, against the Person obtaining the same; and the Secretary and his Deputy, shall forbear to seal and countersign Letters Testamentary or of Administration till the matter in controversy shall be reheard and determined before the Governor, or Commander in Chief for the Time Being, and Council.

LXIII. And be it further Enacted by the Authority aforesaid, That every Person nominated and appointed Clerk of any Inferior Court, before his entering upon and executing the said Office, shall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and subscribe the Test, and also take the following Oath, to-wit:

I, A. B., do swear, That I will well and truly execute the Office of Clerk of the Inferior Court of Pleas and Quarter Sessions for the County of ——— according to the best of my Skill and Ability. So help me God.

LXIV. And for the better Preservation of Wills, Be it further Enacted by the Authority aforesaid, That all Original Wills shall remain in the Clerk's Office, among the Records of the respective Counties where they shall be proved; whereunto any Person may have recourse as to the other Records, except for the Time the same shall or may be removed before any other Court, upon the Determination of any Controversy.

LXV. And be it further Enacted, by the Authority aforesaid, That the Clerk of every Inferior Court aforesaid, in the Month of October Annually, shall return to the Secretary's Office a List of all Certificates for obtaining Probates or Administrations, granted by their respective Courts from Time to Time, containing the Names of the Testators or Intestates, their Executors or Administrators, and the Names of the Securities; which Lists the Secretary is hereby required to cause to be recorded in his Office, alphabetically, in Books for that Purpose, and shall and may take and receive Two Shillings and Eight Pence, Proclamation Money, for every such Order therein mentioned.

LXVI. And be it further Enacted, by the Authority aforesaid, That the Attorney General is hereby authorized and required to appoint a Deputy in each County within this Province, which said Deputy shall and may prosecute all Matters Cognizable in the Inferior Court of Pleas and Quarter Sessions for and in Behalf of his Majesty, and shall take and receive Thirteen Shillings and Four Pence, Proclamation Money, on each and every Bill of Indictment, found, or Presentment made, in the said Court, in which he or his Deputy shall be.

LXVII. And be it further Enacted, by the Authority aforesaid, That the said Inferior Courts of Pleas and Quarter Sessions respectively shall, and they are hereby authorized and impowered, annually, between the First Day of May, and the First Day of November, to assess and lay such a Tax on the Taxable Persons in their respective Counties, as shall be sufficient to defray the contingent Charges of the same; which Tax shall be collected by the Sheriff, and paid and accounted for in the same Manner as Public and Parish Taxes are, or shall be by Law directed, and by him accounted for and paid to the Court, or their Order.

LXVIII. And whereas it often becomes expedient that Court Houses and Gaols should be rebuilt or repaired, and it being in Doubt whether the Jus-

tices of the said Inferior Courts have any Power to rebuild or repair such Court House or Gaol; Be it therefore Enacted by the Authority aforesaid, That from and after the passing of this Act, the Justices of the several and respective Courts in this Province have full Power and Authority, from Time to Time, as Occasion shall require, to agree and contract with Workmen, or other proper Persons, to rebuild at the same Place, or repair, any Court House or Gaol as aforesaid; and the said Justices shall have full Power and Authority to lay a Reasonable Tax on each Taxable Person in their respective Counties, for defraying and paying the Charges and expences thereof; provided, that there shall not be less than Five Justices on the Bench, Three whereof to be of the Quorum, at the Time of passing such Order, for Building or repairing as aforesaid; And all Debts and Demands of Five Pounds, Proclamation Money, or under, are hereby declared to be Cognizable and determinable by any One Justice of the Peace, who may give Judgment, and thereupon award Execution, against the Goods and Chattels, or Body of the Debtor, or Party against whom such Judgment shall be given; which shall be executed and returned by the Sheriff or Constable, to whom directed, in the same Manner as other Writs of Fieri Facias, or Capias ad Satisfaciendum, are to be executed and returned.

LXIX. Provided nevertheless, That if either of the Parties shall be dissatisfied with the Judgment given by such Justice, he may appeal to the next Inferior Court of Pleas and Quarter Sessions, first giving Security for Prosecuting such Appeal with Effect; which Cause shall be tried, and finally determined, the same Court, without any further Process, in the same Manner as Causes are there tried, brought by Original Process; and Judgment shall thereupon be given, and the Party Cast shall pay the Cost of all Proceedings had thereon, to be taxed by the Court.

LXX. Provided nevertheless, That the Justice before whom such Suit was first heard and determined, shall not sit in Court, or give Judgment on the Trial of such Appeal.

LXXI. And be it further Enacted, by the Authority aforesaid, That it shall and may be Lawful for any Creditor, where his Debt or Demand doth not exceed Five Pounds, Proclamation Money, to go before any Justice of the Peace, and make Oath how much is justly due to him, and that he has grounds to suspect that his Debtor hath, or intends to remove himself and Effects privately out of the County, or so abscond that Process cannot be served upon him; and thereupon such Justice, having first taken Bond and Security as in other Cases of Attachments, shall issue an Attachment against the Estate of such Debtor, returnable before any Justice of the County, directed to the Sheriff, or any Constable of the County, and by Virtue thereof, it shall be lawful for such Sheriff or Constable to pursue and attach such Effects, and make due Return of such Attachment; and the Proceedings thereon by the said Justice shall be in a Summary Way, in the same Manner as on a Warrant.

LXXII. And be it further Enacted, by the Authority aforesaid, That any Justice of the Peace shall and may have Power, and is hereby authorized, upon Complaint being Made by any Person or Persons, for any Matter or Thing, Debt or Damage, cognizable in the Inferior Courts of Pleas and Quarter Sessions of this Province, to grant an Original Attachment against the Estate of any Person absconding, or concealing, and removing himself out of the County, returnable to such Court, observing therein the Rules and Restrictions directed for granting original Attachments returnable to the Superior Courts of Justice; and all Sheriffs and other Officers, shall execute and return the same, and observe the Rules and Directions appointed to be

observed in executing Attachments returnable to the Superior Court, and the like Judgment, Recovery, Relief, Remedy, and Proceedings, shall be had thereupon, as in the like Cases is grantable in the said Superior Courts.

LXXIII. And be it further Enacted, by the Authority aforesaid, That all original Process, by Writ, or other Manner or Means, and all subsequent Process thereupon, to bring any Person or Persons to answer to any Action, Suit, Bill, Information, or Complaint, in any Inferior Court of Pleas and Quarter Sessions (except Subpoenas to summon Evidences, which may be made returnable immediately) shall be issued and bear Test by the Clerk of every Inferior Court of Pleas and Quarter Sessions respectively, and shall be returnable on the First Day of the sitting of the Court, and shall be executed at least Five Days before the Return thereof; and if any Person issues any Writ or Process whilst such Court is sitting, or within Five Days before the Beginning of the Court, such Writ or Process shall be returnable to the Court next after that then sitting, or beginning to sit, within Five Days as aforesaid, and not otherwise; and all Writs and Process issued, made returnable, or executed in any other Manner, or at any other Time, than is hereinbefore directed, may be abated upon the Plea of the Defendant.

LXXIV. Provided always, That nothing herein contained shall extend, or be construed to invalidate or vacate any Writ, Process, Warrant, or Precept, issued by any Justice of the Inferior Courts of Pleas and Quarter Sessions, on any Criminal Prosecution, or in his Majesty's Behalf, but the same may be returnable on any Day in the sitting of the Court; and the Proceedings in all Criminal Cases shall be had according to the Laws and Statutes of Great Britain, and this Province; any Thing herein contained to the contrary, notwithstanding.

LXXV. And be it further Enacted, by the Authority aforesaid, That when any Writ or Process shall Issue to take the Body of any Person or Persons, to answer unto any Plaintiff in any Civil Action in any Inferior Court of Pleas and Quarter Sessions, the Sheriff shall return therewith a Bond, with Two sufficient Securities, for double the Sum for which the Person shall be held in Arrest (Executors, Administrators, and Persons sued on Penal Statutes, excepted) to the Clerk, on or before the First Day of every Court; and if the Sheriff shall not return Bail, or the Bail so returned shall be found insufficient, upon exception taken thereto, then and in such Case the Sheriff shall be taken and stand Bail for the Defendant, and the Plaintiff may proceed in his Suit to Judgment, according to the Rules hereafter mentioned, and on Judgment or Recovery, may take out Execution against the Defendant or Sheriff, or both; any Law, Usage, or Custom, to the contrary Notwithstanding. Provided always, That if the Defendant puts in Bail before the Time to Plead given him by the Rules hereafter mentioned is expired, then the Sheriff shall be discharged. Provided also, That the Sheriff may surrender the Defendant in Discharge of Himself, at any Time before Final Judgment obtained against the Defendant.

LXXVI. And be it further Enacted, by the Authority aforesaid, That where any Judgment or Decree shall be obtained in any Inferior Court of Pleas and Quarter Sessions, for any Debt, Damages, Portion, or Legacy, or Proportion of any Intestates' Estates, and the Person against whom such Decree shall be obtained shall remove him, or herself and Effects, or shall reside out of the Limits of the Jurisdiction of such Court, it shall be Lawful for the Clerk of the Court where Judgment was given, or Decree made, at the request of the Party for whom the same was rendered, to issue a Writ of Fieri Facias Capias, ad Satisfaciendum, or other Process, under the test hereinbefore prescribed, and to direct the same to the Sheriff, or other Officer, of any County of this

Province, where the Derendant or Debtor, or his goods shall be found; which Sheriff or other Officer, to whom the same shall be directed, is hereby empowered and required to serve and execute the same, and shall make return thereof to the Court where the Judgment or Decree was given, in the same Manner as if such Process had issued from the Superior Court of Justice.

LXXVII. And for the better ascertaining what Process may be issued, where the Sheriff shall return that the Defendant is not to be found in his Balliwick; It is hereby Enacted, That when any Sheriff shall make such Return, the Plaintiff or Plaintiffs, in any Civil Action, may sue an Attachment against the Estate of such Defendant, returnable as is hereinbefore directed for the Return of Original or other subsequent Process, thereupon to enforce an Appearance, or an alias or Pluries Capias, until such Defendant be arrested, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff shall return such Attachment executed, the Plaintiff shall file his Declaration according to the Rules of the Court, and be entitled to a Judgment.

LXXVIII. And be it further Enacted, by the Authority aforesaid, That the same Rules, Methods, and Proceedings, shall be had, kept, Used, and Observed, by the said Inferior Courts of Pleas and Quarter Sessions, and Officers, in the granting, Issueing, Executing, returning, and awarding Judgment on judicial Attachments, and the like Remedy, Recovery, and Relief, against Sheriffs and Bail, as in like Cases is provided by Law in Suits depending in the Superior Courts of Justice.

LXXIX. And for the Regular Prosecution and Determination of Suits, entering up Judgments, and Preservation of the Records, Be it therefore Enacted, by the Authority aforesaid, That the following Rules and Methods shall be observed, to-wit:

That the Plaintiff in every Suit shall file his Declaration on the First Day of the Court, or first Calling of the Cause in Court; and at the same Time serve the Defendant, or his Attorney, with a Copy thereof, if required.

That if the Plaintiff fail to file his Declaration, or appear and prosecute his Suit, the Defendant may enter a Non Pros.

That the Defendant may enter his Appearance, and file his Plea in Writing, whether general or Special, the First Court; and if he fails so to do, the Plaintiff shall have judgment, which in Actions of Debt shall be final, except where Damages are to be suggested on the Roll; in which Case, and in all others where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed the next Court.

That the Defendant may plead as many several Matters as he shall think necessary for his Defense, so that he be not admitted to plead and demur to the Whole.

That all Issues, whether general or Special, shall be heard and tried the next Succeeding Court, unless sufficient Cause is shewn to such Court why such Causes shall be continued.

That all Causes at Issue ready for Trial be first Heard and tried.

That every Motion in Arrest of Judgment shall be argued the last Day of the same Court the Issue is tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment; unless, upon sufficient Reasons Shewn, and approved of by the Court, further Time shall be allowed.

That when any Special Verdict shall be found, or Demurrer to Evidence, at the Motion of either Party, Time shall be allowed to the next succeeding Court for hearing.

LXXX. And for Prevention of Delay and Vexation by dilatory Pleas, It is hereby further Enacted, That no Plea in abatement shall be received in any

Action or Suit, unless the Truth thereof be sufficiently shewn to the Court, by Affidavit or otherwise; and in all Actions where the Declaration shall plainly set forth sufficient Matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form, and that when any Plea in abatement shall be pleaded in any Action, and upon Argument thereof the same shall be judged insufficient, the Plaintiff or Plaintiffs in such Action shall recover against the Defendant or Defendants full Costs to the Time of overruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted.

LXXXI. And for granting Appeals from the Inferior Courts of Pleas and Quarter Sessions to the Superior Courts of Justice, and obtaining Writs of Error to the said Courts; Be it further Enacted by the Authority aforesaid, That when any Person or Persons, either Plaintiff or Defendant, shall be dissatisfied with the Judgment, Sentence, or Decree, of any Inferior Court, he may pray an Appeal from the Judgment, Sentence or Decree, of such Court, to the Superior Court of Justice of the District wherein such Inferior Court of Pleas and Quarter Sessions is held; but before obtaining the same, shall enter into Bond, with Two sufficient Securities, for prosecuting the same, and for performing the Judgment, Sentence, or Decree, that the Superior Court shall enter or make thereon, in Case such Appellant shall be cast.

LXXXII. And because it may happen that in issuing Process, carrying on the Proceedings, and rendering Judgments in the said Inferior Courts of Pleas and Quarter Sessions, there may be Error to reverse Judgments; Be it Enacted, That when any Defendant is desirous to prosecute a Writ of Error, he shall move the Inferior Court of Pleas and Quarter Sessions where such Suit is depending, to allow a Writ of Error, he first entering into Bond as aforementioned; and the Court is hereby required and impowered to allow thereof, as if such Writ of Error was then and there produced.

LXXXIII. And for carrying on and prosecuting such Appeals and Writs of Error, Be it Enacted by the Authority aforesaid, That the following Rules and Methods of Practice shall be observed, to-wit, That when any Person, either Defendant or Plaintiff, conceives he is injured by the Judgment, Sentence, or Decree, of any Inferior Court, and shall have appealed to the Superior Court, in Manner above directed, a Transcript of the Proceedings of the Inferior Court shall be filed by the Clerk of such Superior Court Fifteen Days before the sitting of the Court; and if the Trial in the Inferior Court was of an Issue to the contrary, a Trial de Novo shall be had; and if on a Hearing on a Petition for a filial Portion or Legacy, or Distribution of an Intestate's Estate, or other Matter thereto relating, a rehearing at the said Court, without Notice given by either Party; and if such Transcript of the Proceedings is not filed within the Time aforesaid with the Clerk of the Superior Court, or if the Appellant shall fail to appear and prosecute his Appeal, then the Judgment, Sentence, or Decree, of the Inferior Court, shall be affirmed, and the Appellant shall be adjudged to pay Double Costs, provided that there shall be Thirty Days between the Day of Trial or Hearing in the Inferior Court and the next Superior Court; but when it so happens that there are not Thirty Days between such Trial or Hearing and the Superior Court; such Appeal shall be continued, and a Transcript of the Proceedings transmitted to the Superior Court next after. And where any Defendant shall produce a Writ of Error, he may move the Inferior Court where the Trial is had, and enter into Bond with Security, as before mentioned; whereupon a Transcript of the Proceedings shall be filed with the Clerk of the Superior Court Fifteen Days before the Court, and the Party prosecuting such Writ

of Error shall assign and file Error the First four Days of the Court; and in Case such Defendant shall neglect to file such Writ, and assign Error as aforesaid, or shall fail to appear and prosecute the same, then the Judgment of the Inferior Court shall be affirmed, and the Plaintiff in Error shall be adjudged to pay Double Costs; provided that there shall be Thirty Days between such Motion for obtaining a Writ of Error, and the Time of holding the Superior Court.

LXXXIV. And be it further Enacted, by the Authority aforesaid, That in every Inferior Court within this Province, when an Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make up a full and Perfect Record of all the Proceedings in such Cause; and shall, within Ten Days after the Adjournment of the Court, give an attested Copy of such Record, with a Taxation of all costs accrued, to the Person Appealing, or to whom the Writ of Error is allowed, if required; and every Clerk neglecting to do the same, shall forfeit and pay to the Person entitled to such Attested copy, the Sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt, Plaint or Information, in any Court of Record; and the said Clerk shall be further Liable to an Action on the Case, for all such Damages as such Person shall sustain for Want thereof.

LXXXV. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Suits, Writs, Plaints, Process, Recognizances, Indictments, and Presentments whatsoever, heretofore commenced, and not yet determined, in either of the late Inferior Courts of Pleas and Quarter Sessions in this Province, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts, or other Matters or Things in them Depending, not fully determined, after the passing of this Act, shall be transposed and carried off the Dockets of each of the said late Inferior Courts, into the Dockets of the several Courts by this Act established, in the same Order in which they shall then stand on the Dockets of the said late Inferior Courts respectively, and shall be proceeded on by the said Courts according to the Method by this Act directed, as if the same had been originally commenced therein.

LXXXVI. And be it further Enacted, by the Authority aforesaid, That all Writs and other Process, and all Suits and Proceedings whatsoever, issued, granted, or prosecuted in any of the said Late Inferior Courts, wherein judgment hath been entered or Decree made, shall and may be taken Cognizance of by the said Courts of the respective Counties by this Act established; and such Courts may respectively award Execution, or other necessary Proceedings on such Judgment or Decree, in the same Manner as if such Suit had been originally Commenced in such Court by this Law hereby established; any Law, Usage, or Custom, to the contrary, notwithstanding.

LXXXVII. Provided, That the Execution of this Act be suspended and deferred till his Majesty's Royal Will and Pleasure be Known thereupon.

CHAPTER II.

An Act for regulating the Town of Hertford, and other Purposes.

I. Whereas from many unavoidable Hindrances, it hath been Impracticable for the Proprietors of Lots in the Town of Hertford to complete the Buildings on the Lots in the said Town;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Lot in the said Town, on which a House shall be erected and built, of the Dimensions mentioned in an Act of Assembly, entitled, An Act for establishing a Town on the Lands of Jonathan

Phelps, in Perquimans County; or in another Act of Assembly, entitled, An Act for enlarging the Time allowed for saving the Lots in the Town of Hertford, and other Purposes, or in one other Act of Assembly entitled an Act to continue an Act entitled an Act for enlarging the time allowed for Saving lots in the Town of Hertford and other purposes, and to establish a Ferry from the Town of Hertford, on the West Side of Perquimans River, to Newby's Point, on the East side of the said River, within the space of Five Years next after the passing of this Act; and also every Lot therein which shall be hereafter sold or conveyed, on which such House shall be erected, within the Space of Five Years after the Date of the Conveyance executed for the same, shall and is hereby declared to be vested in the Grantee thereof, and his Heirs and Assigns, in Fee-Simple; any Thing contained to the contrary in any of the said recited Acts, notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That when any Lot in the said Town shall hereafter lapse by Reason of its not being built on, the Directors and Trustees of the said Town, or the Majority of them, shall and may, and they are hereby directed and required, to sell such Lot at Public Vendue, for the best Price that can be got, and to give the Purchasers a Deed of Bargain and Sale for the Lot by him so Purchased.

IV. And whereas there are several Lots in the said Town which have never been drawn in Manner directed by Law, Be it further Enacted by the Authority aforesaid, That the Directors hereafter appointed, and each or either of them, are impowered and required to take subscriptions for the said Lots, or so many of them as shall be subscribed for within Six Months after the passing of this Act; and when the Directors have taken such Subscriptions, shall appoint a Day, and give Public Notice to the Subscribers of the Day appointed, for Drawing the said Lots, which shall be done by Ballot, in a Fair and Open Manner, by the Direction, and in the Presence of the Majority of the said Directors; and such Subscriber shall be entitled to the Lot and Lots which shall Happen to be drawn for him, and correspond with the Number and Mark contained in the Plan of the said Town: And the Directors or a Majority of them, shall execute and deliver Deeds for granting and conveying the said Lots to the Subscribers, their Heirs and Assigns, forever, and also to every other Person who shall purchase any other Lot or Lots in the said Town, at the Costs and Charges of the said Grantee to whom the said Lot or Lots shall be conveyed; and every Person claiming any Lot or Lots by Virtue of any such Conveyance, shall and may hold and enjoy the same in Fee-Simple: And if any Lot or Lots should not be subscribed for, and drawn in Manner by this Act directed, the same shall be sold at Public Vendue, by Direction of the Directors, or a Majority of them, and Deeds shall be made for such Lots to the best Bidders respectively, in the same Manner as for such Lots as may be Drawn as before directed.

V. And be it further Enacted, by the Authority aforesaid, That each respective subscriber, or Purchaser of such Lot or Lots in the said Town, shall, within One Month after it shall be ascertained to whom each of the said Lots doth belong, in Manner hereinbefore Mentioned, pay and Satisfy to the said Directors Forty Five Shillings, Proclamation Money, for each Lot; Forty Shillings of which Sum shall be paid over to the Heir at Law of the said Jonathan Phelps, deceased, in full satisfaction for the said Land, and the other Five Shillings shall be applied towards defraying the Expence of laying off and improving the said Town, as a Majority of the Directors shall think Proper: And in Order to do Justice to the Heirs at Law of the said Jonathan Phelps, for such Lots as may be sold at Vendue, there shall be paid out of the Sale of such Lots the whole amount of the Sales, if not more than Forty

Shillings for each Lot, on an Average; and that all above that sum shall be applied by the Directors for the Benefit of the said Town, in Manner as by this Act directed: And in Case of a Refusal or Neglect of any of the Subscribers or Purchasers of Lots to pay their respective Sums, the said Directors shall and may warrant or sue the Person or Persons (according to the Dignity of the Debt) in their own Names, and therein shall recover, with Costs.

VI. And whereas the Plan of the said Town is thought to be Incorrect and uncertain; Be it Enacted, by the Authority aforesaid, That the Directors, or a Majority of them, shall have full Power and Authority to meet as often as they shall think necessary, and cause a Resurvey of the said Town, and a Plan to be made from the said Resurvey, and therein to insert a Mark or Number to each Lot, and shall give the Courses and Distance of each several Street and Lot in the said Town.

VII. Provided nevertheless, That if any House hath been built on any Street, Lot or Common, in the said Town, contrary to the Intent and Meaning of the several before recited Acts, the Proprietor of such House shall not be injured by the said Resurvey; but such House, and the ground whereon it stands, shall and is hereby declared to belong to the said Proprietor or Proprietors, his, her, or their Heirs and Assigns, any Thing in the before Recited Acts to the contrary, notwithstanding.

VIII. And whereas in the Plan of the said Town, heretofore taken, there is common Ground left between the Streets and the River, where Warehouses and Wharfs might be built, for the Benefit and Convenience of Commerce; Be it Enacted by the Authority aforesaid, That the Directors, or a Majority of them, are impowered and required to sell such Pieces of ground as may be considered the Commons of the said Town, as shall be by them judged conveniently situated for such Buildings and Improvements, at Public Vendue, to the Highest Bidder, and to make Proper Deeds and conveyances for the same; and the Money arising from such Sale, to be applied towards the Benefit of the said Town.

IX. Provided nevertheless, That when any Lot has been heretofore drawn, sold or conveyed, and is now the Property of any Person or Persons next opposite to which such Lot or Lots belong, on tendering and paying to any One or more of the Directors, within Six Months after the passing hereof, the Sum of Twenty Shillings, Proclamation Money, the Directors shall make and execute a Deed or Deeds for them, in the same Manner as is before directed, and the Money to be applied as hereinbefore directed.

X. And be it further Enacted, by the Authority aforesaid, That the Directors, or a Majority of them, shall, on Application of any Person or Persons who hath already saved, or shall hereafter save any Lot or Lots within the said Town, give such Person or Persons a Certificate of the Lot or Lots having been so saved, agreeable to Law; which shall be proved or acknowledged, and registered in the said County of Perquimans, at the proper Costs and Charges of the Person or Persons requiring such Certificate; and the said Lot or Lots shall thereafter be held, deemed, and taken, to be sufficiently saved, and shall continue to be the Property of the Grantee or Grantees thereof, his, her, or their Heirs or Assigns, forever; any Thing in this, or any of the before recited Acts, to the contrary, notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Inferior Court of Perquimans County, and they are hereby directed and required, within Six Months after the passing of this Act, and from Time to Time, thereafter, as Occasion may require, to appoint an Overseer to work on the Streets and Alleys of the said Town, who shall

have equal Power and Authority, and be liable to the like Pains and Penalties, as other Overseers; and the Inhabitants of the said Town shall, at all Times hereafter, by Order of the Overseer, work on the Streets and Alleys of the said Town, in the same Manner, and under the same Penalties, as others are liable to, in and by an Act of Assembly, entitled, An Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and establish and settle Ferries, and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province, and to clear Navigable Rivers and Creeks: And the Overseer, and Inhabitants of the said Town, shall not be liable to work on any other Road hereafter; any Law, Usage, or Custom to the contrary, notwithstanding.

XII. And be it further Enacted, by the Authority aforesaid, That the Overseer within Six Months after his Appointment, shall Cause all Persons liable to work on the Streets and Alleys of the said Town to make a sufficient Fence from and to the Water, on each side of the said Town, in the most convenient Place, and shall hang a Gate or Gates at one or more of the most Public Streets of the said Town, as Occasion may require; and the said Overseer and Company, for the Time Being, shall, from Time to Time, and at all Times thereafter, keep the said Fence and Gates in good and sufficient Repair, under the like Fines and Forfeitures, as for neglecting to work on the Streets and Alleys of the said Town.

XIII. And be it further Enacted, by the Authority aforesaid, That no Inhabitant of the said Town shall, on any Pretence whatsoever, keep any Hog or Hogs, Shoat or Pigs, running at Large within the Bounds of the said Town, on Penalty of Forfeiting and paying the Sum of Twenty Shillings, Proclamation Money, to the Party aggrieved; and further that it shall and may be lawful for any Person whatsoever, after the first Day of January next, to shoot, kill, or otherwise destroy, such Hog or Hogs, Shoat or Pig, so running at Large in the said Town.

XIV. Provided always, That the Person or Persons killing such Hog or Hogs, Shoat or Pigs, shall not be entitled to them; but the same shall continue the Property of the Owner, who may take the same to his, her or their Use, and Benefit.

XV. And whereas several of the Directors of the said Town are Dead, whereby their Offices are become vacant; Be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, Seth Sumner, William Skinner, Andrew Knox, Nathaniel Williams, and Thomas Harvey, be, and are hereby appointed Directors of the said Town, and may use and exercise the same Powers and Authorities, as the Directors appointed by the before recited Act could or might have exercised, used, or enjoyed, by Virtue of the same: And in Case of the Death, Refusal to Act, or Removal out of the County, of one or more of the said Directors, the surviving or other Directors, or a Majority of them, shall, and they are hereby empowered and required, to choose another Director or Directors, in the Room of him or them so dying, refusing to Act, or removing out of the County, agreeable to the Directions of the said Act.

XVI. And whereas the Court House in Perquimans County is situate in the Town of Hertford, on the West side of Perquimans River, and the Inhabitants on the East side of the said River are obliged to attend at said Court House during the sitting of the Inferior Court, at the election of Members of Assembly and Vestrymen, General Musters, and Court Martials of the said County, and the Act of Assembly heretofore made for defraying the Expences of such Ferriage is near expiring; Be it therefore Enacted, by the

Authority aforesaid, That the Inferior Court of the said County of Perquimans are hereby Authorized, impowered and required, at the next Court to be held after the first Day of May, Yearly, to lay a Tax not exceeding Three Pence, Proclamation Money, on each Taxable Person, in the said County, to be collected and accounted for with the Inferior Court of the said County, by the Sheriff of the said County, in the same Manner, and under the like regulations and Restrictions, as other Taxes of the said County are to be collected and accounted for, and to be by the said Court applied and appropriated as a Premium or Reward to several Ferrymen now appointed, or hereafter to be appointed by the Court of the said County, to keep a Ferry from Hertford to Newby's Point, and from Newby's Point to Hertford; for which they shall and are hereby obliged, to set over, Ferriage free, all Persons resident in the said County, going and returning from the Court or Vestry of the said County, Election of Members of Assembly and Vestrymen, Musters, and Court Martials of the said County.

XVII. And be it further Enacted, by the Authority aforesaid, That the Inferior Court of the said County are hereby authorized, impowered and required, out of the Monies arising by the Tax so laid and collected as aforesaid, Yearly, and every Year, to allow and pay to the several Ferrymen attending at the Ferry aforesaid, such Sums of Money as they shall think reasonable for their Trouble in transporting all Persons who shall or may have Occasion to attend the said Court House on the Days and Times aforesaid.

XVIII. And be it further Enacted, by the Authority aforesaid, That the Ferrymen that now are appointed, or shall hereafter be appointed by the Court of the said County, to keep a Ferry at Hertford and Newby's Point, are hereby required to ferry over the said River, free from any expence all Persons resident in the said County, during the sitting of the Inferior Court and Vestry of the County, and also all Persons whatever on the Days of election of Members of Assembly or Vestrymen, and also all Persons going to, and returning from, the Musters and Court Martials of the said County, under the Penalty of forfeiting and paying the Sum of Ten Shillings, Proclamation Money, for each Neglect or Refusal; to be recovered by a Warrant, on Proof made before any Magistrate of the said County.

XIX. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said Court to take Bond and Security of the said Ferry Keepers, in the Sum of Twenty Pounds, Proclamation Money, for their due and Faithful Performance of the Duties enjoined by this Act; and that all Fines that shall be recovered against any Ferry Keeper in Virtue of this Act, shall be paid to the Justices of the said Court, to be by them applied towards defraying the Charges of the County; and all other Fines by this Act imposed shall be recoverable by the Directors, or a Majority of them, and applied towards the Benefit of the said Town.

CHAPTER III.

An Act to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony, directing the Method of paying the same, and for taxing Law Suits.

I. Whereas frequent Complaints have been made that the Fees of the Clerks of the Superior and Inferior Courts, as regulated by former Acts of Assembly, are doubtful and ambiguous: For Explanation whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the

Authority of the same, That for the Future the following Fees only shall be received by the Clerks of the Superior and Inferior Courts, and no other or greater Fees or Charges whatsoever shall be deemed or construed to be allowed by the Former Acts of Assembly, to-wit:

For every Writ or leading Process returned to the first Court, and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon, until the making up an Issue inclusive; and also for Dismissal or Final Judgment, where either Happens, or for Confession of Judgment, to the Clerk of the Court, Fourteen Shillings.

For every Continuance or Reference of every Cause after the second Court, including all Fees for every Service necessary thereon, Four Shillings.

For the Court at which the Cause is determined, including all Fees for every necessary Service thereon, and entering final Judgment inclusive, Eighteen Shillings.

For every Subpoena, provided the Party insert no more than Four Witnesses in the same, Two Shillings.

For every Execution or Order of Sale, when necessary, issued and returned, including all services thereon, with Taxing Costs, and Copy, and entering Satisfaction, Five Shillings.

For every Scire Facias against Bail, with making up an Issue thereon, or entering Judgment, without Plea, including all Fees for every Service necessary thereon (provided that the Party paying Costs shall not be subject to this, unless the Scire Facias is requisite, and required by the Plaintiff, Eight Shillings.

For giving a Copy of the Record of any Cause, when demanded by either of the Parties, Six Shillings.

For every Order or Rule of Court, made on Matters foreign to the Suits depending in Court, and Copy thereof, when demanded, Two Shillings and Eight Pence.

For entering on the Minutes the Probate of a Will, qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence.

For granting Administration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence.

For all Services necessary to be done by the Clerk of the Court, towards procuring Letters of Administration or Letters Testamentary, if he furnishes the said Letters, including the Governor's, Secretary's and private Secretary's Fees, Twenty Six Shillings and Eight Pence.

For all Services in proving, recording, and filing an Inventory, Account of Sales, or Account Current, exhibited by an Executor, Administrator, or Guardian, or for Search, Copy, and Certificate of the same, if the Estate be under One Hundred Pounds, One Shilling and Four Pence; if above One Hundred Pounds Value, Four Shillings.

For every Marriage Licence and Bond, and all necessary Services thereon, Five Shillings.

For an Ordinary Licence and Bond, and all the Services Necessary to be done thereon, Five Shillings.

For Tavern Rates, Two Shillings and Six Pence.

For searching a Record out of Court, Eight Pence.

For proving or entering acknowledgement of a Conveyance of Land or other Estate, and Certifying the same, with the Order for registration, and Examination of a Feme Covert, without Commission, Two Shillings and Eight Pence.

For a Commission to take the Examination of a Feme Covert, or Witnesses in any Cause depending in the Superior Court, the Return thereon, entering, and all other Services necessary thereon, Three Shillings.

For Guardian or other Bonds taken in Court, and for all necessary Services thereon, every Fee relative thereto included, Eight Shillings.

For Indentures for binding out apprentices, making Order thereon, and for filing and recording the same, including all Fees for every Service necessary, Five Shillings and Four Pence.

For a Special Venire Facias in an Action of Ejectment, or where the Bounds of Land shall come in Question, when the said Writ shall be issued, Eight Shillings.

For a Special Verdict, Demurrer of Motion in Arrest of Judgment, and Argument thereon, Four Shillings.

For Writ of Error or Appeal, with a Transcript of the Record, and all Services thereon, Ten Shillings.

For making out Certificates of Witnesses or Jurymen's Attendance, Eight Pence.

For recording a Mark or Brand, and granting Certificates thereof, if required, One Shilling and Four Pence.

III. And be it further Enacted, by the Authority aforesaid, That all the Services necessary to be done by the Clerks of the Superior and Inferior Courts within this Province, for which Fees are not provided in this Act, shall be deemed and construed to be ex-Officio Services, for which the Clerks shall demand no Fee or Reward whatever, except what shall be allowed such Clerks by the Inferior Court of their respective Counties for such Services.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Clerks of the Superior or Inferior Courts, on the Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party resides; and the said Sheriff shall levy the same, in Virtue of the said Execution, as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in words at length, and without any Abbreviation whatsoever; and all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or Execute the same.

V. And be it further Enacted, by the Authority aforesaid, That whenever it shall be the Opinion of the Court that the Party praying a Continuance should not obtain it without Payment of all Costs attending the same, the whole of these Costs shall be paid before the Continuance is granted; and the Party praying such costs shall not be entitled to recover them, although the Judgment of the Court should finally be in his Favour.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person shall hereafter conceive himself aggrieved by any Clerk of the Superior or Inferior Courts, in taxing or charging other or greater Fees than by this Act are allowed, it shall and may be lawful for such Person so aggrieved, either by himself or his Attorney, to complain to the Court where such Offender is Clerk, and the said Court shall, in a Summary Way, take the Matter under their Consideration; and if it shall appear to them that such Clerk hath taxed and charged other or greater Costs or Fees than are by this Act allowed, then the said Court shall not only order immediate Restitution to be made to the Party injured, together with all Costs and Damages, but also may, and they are hereby required, to set such Fine as they shall think proper on such Clerk, not exceeding the Sum of Five Pounds; and the Court shall commit such Clerk to Gaol, if he refuses or delays to obey their Judgment,

there to remain until he has satisfied the Party Injured, agreeable to the Judgment of the Court, and also paid the Fine Inflicted on him to the Sheriff; which Fine shall be applied towards defraying the Contingent Charges of the County where such Court shall be held, and shall be accounted for by the Sheriff at the same Time as he accounts for the County Tax: Provided, That such Clerk shall have Ten Days' Notice in Writing previous to the sitting of the Court where such Complaint is intended to be made, and that there shall be at least Five Justices on the Trial of such Complaint, if in the Inferior Court; and the Notice shall be in these Words, or to this Effect:

I intend to complain of you to the next ——— Court, for taking more Fees in the Suit of ——— against ——— than the Law allows.

And a Copy of this Notice, directed to the Clerk, and signed by the Complainant, proved by the Oath of the Person who served it, with a Copy of the Bill of Costs from the Officer who levied the same, shall be sufficient for the Court to judge upon, without any other or further Process.

VII. And be it Enacted, by the Authority aforesaid, That if any Clerk shall, during the sitting of the Court whereof he is Clerk, demand other or Greater Fees than by this Act allowed, the Court shall immediately, on Complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Clerk of any Court in this Province shall hereafter be guilty of any Breach or neglect of Duty enjoined by this Act, such Breach or Neglect of Duty shall, on a Second Conviction, be adjudged and deemed a Misbehavior in Office, for which such Clerk shall be suspended by the said Court, on Complaint.

IX. Provided nevertheless, That in Case the Clerk shall be dissatisfied with the Determination of the Inferior Court, he may Appeal to the Superior Court of the District, in which Case there shall be a Trial de Novo; where, if the Suspension of the Inferior Court shall be confirmed, the said Clerk shall ever after be rendered incapable of acting as Clerk in any Court of Justice in this Province.

X. And be it further Enacted, by the Authority aforesaid, That there shall be paid to the Clerk, at the Time of Issuing any Writ, or other leading Process, by the Person suing out the same, returnable to the Superior Court, the Sum of Twenty Shillings; and if returnable to the Inferior Court, the Sum of Five Shillings, for the Use of the Contingent Fund; to be recovered by the Party Cast, in the same Manner as other Costs.

XI. And be it further Enacted, by the Authority aforesaid, That the Clerk of each Superior Court shall account for and pay to the Treasurer of his respective District, at the sitting of the Superior Court whereof he is Clerk, or in One Month after, all the Monies received by him for the Contingent Fund, in Virtue of this Act; and shall make and deliver therewith an exact List, on Oath, of every leading Process issued by him, or returned by the Court whereof he is Clerk: And the Clerks of the Inferior Courts shall, at the Superior Courts of their respective Districts, or in One Month after the same, account for and pay to the Treasurer of their respective Districts, all Monies received by them for the Use of the Contingent Fund, in Virtue of this Act; and shall also make and deliver therewith an exact list, on Oath, of every leading Process by them issued or returned to the Court of which they are respectively Clerks; which list shall be certified by a Magistrate, at the Court of the County whereof he is Clerk, immediately preceding the Superior Court at which he is to account.

XII. Provided nevertheless, That where any Suit shall be brought by an Executor, Administrator, or Guardian, and no recovery is had on the Trial,

the Tax shall be returned to the Party paying the same; and also when a Writ, or other Leading Process, cannot be executed, and the Plaintiff or Plaintiffs shall dismiss the same, he or they shall receive from the Clerk the Tax paid on such Writ or leading process; which Sums so repaid, shall be allowed to the Clerk on his settlement with the Treasurer, on his producing a List of such Suits, certified by the Court of which he is Clerk; any Thing herein contained, to the Contrary, notwithstanding.

XIII. And be it further Enacted, by the Authority aforesaid, That the Clerks of the respective Courts shall transmit to the Clerk of the Assembly, at each Session of Assembly, Copies of the Account settled with the Treasurer preceding such Sessions of Assembly, provided such Copies were not before transmitted; and shall be allowed by the Treasurer the Sum of Eight Per cent on all Monies paid by Virtue of this Act, out of the Contingent Fund; and the Money received by the Treasurer in Virtue of this Act, shall be by him accounted for as other Monies received for the Use of the Contingent Fund.

XIV. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Superior and Inferior Courts shall, respectively, enter into Bonds, with good and sufficient Security, in the Sum of Five Hundred Pounds, for the Faithful Discharge of their Office, in collecting the Tax hereinbefore mentioned; which Bonds shall be taken by their respective Courts, at the First Court after the First Day of June next, and made payable to the Governor, or Commander in Chief for the Time Being, and lodged with the Treasurer of the District where such Clerk shall reside.

XV. And be it further Enacted, by the Authority aforesaid, That every Act and Acts of Assembly now in Force, allowing Fees to, the Clerks of the Superior and Inferior Courts within this Province, and all other Acts laying Taxes on Suits, so far as comes within the Purview of this Act, are, and shall be henceforth repealed and made void.

XVI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Six Months, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER IV.

An Act for the Relief of Insolvent Debtors, with Respect to the Imprisonment of their Persons.

I. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person or Persons now are, or hereafter shall be taken or charged on Mesne Process or Execution for any Debt, and shall have remained in Close Prison by the Space of Twenty Days, it shall and may be lawful for two Justices of the Peace, or any Two of the Judges of the Inferior, or any One of the Judges of the Superior Courts of this Province, either in or out of Court, upon Petition or Petitions of such Prisoner, under his or their Hands and Seals, whereof Notice shall be given to the Person or Persons, his or their Executors, Administrators, Attornies, or Agents at whose Suit such Prisoner or Prisoners shall be imprisoned, to require the Sheriff, Gaoler, or Keeper of any Prison, within their respective Jurisdictions, to bring before such Justices of the Peace, Judges of the Inferior Court of Pleas and Quarter Sessions, or Judge of the Superior Court, issueing such Warrant, either in or out of Court, the Body of any Person being in Prison as aforesaid, together with a list of the several Writs, mesne Processes, and Executions, with which he, she, or they, is or are, charged

in the several Gaols as aforesaid; which Warrant every such Sheriff, Gaoler, or Keeper, is hereby commanded to obey: And such Prisoner or Prisoners coming before the said Justices or Judges, (the Creditor or Creditors, if resident in this Province, at whose Suit he is Confined, being first personally summoned, according to the Directions of this Act) if he, she, or they, have no visible Estate, real or Personal, and shall make Oath before the said Justices of the Peace, or Judges of the Inferior Court, or Judge of the Superior Court respectively, issuing such Warrant, that he hath not the Worth of Forty Shillings, Sterling Money, in any Worldly Substance, either in Debts owing to him, or otherwise howsoever, over and besides his Wearing Apparel, working Tools, and Arms for Muster; and that he has not at any Time, since his Imprisonment, or before, directly or indirectly, sold, assigned, or otherwise disposed of, or made over in Trust for himself or otherwise, any Part of his Real or Personal Estate, whereby to have or expect any Benefit or Profit to himself, or to defraud any of his Creditors to whom he is indebted; and if there be no Person present that can prove the Contrary, then such Person, by such Court of Justices, without Form of Trial, shall be immediately set at Liberty, and shall stand forever discharged of all such Debts so sued for, and all Costs of Suit: But in Case such Person shall afterwards be discovered to have Sworn Falsely, he shall be indicted for Perjury; and if Convicted, shall lose both his Ears in the Pillory, and be liable to satisfy the Debt and Damages, and be rendered incapable of taking the Benefit of this Act.

II. And be it further Enacted, That the said Justices of the Peace, Judges of the Inferior, and Judges of the Superior Court, respectively, before whom such Prisoner or Prisoners shall, upon Oath, have discharged themselves, when the Proceedings are before them out of Court shall put the same in Writing, under their Hands, and return the same into the Court from whence the Mesne Process or Execution issued, there to be kept on Record, under the Penalty of Five Pounds, Proclamation Money, for each Judge or Justice for such Omission and Neglect; to be paid to the Person injured, by Order of the said Court.

III. And be it further Enacted, That if any Person or Persons now are, or hereafter shall be taken or Charged in Mesne Process or Execution for any Sum, and shall have remained in Prison by the Space of Twenty Days, and shall have any Estate, real or Personal, and be minded to deliver up his, her or their Effects, to his or their Creditors, it shall be lawful for such Prisoner to prefer a Petition to the Court from whence the Process issued setting forth the Cause of Imprisonment, and an exact Account of his or their Estate; and all Circumstances relating thereto; which Petition subscribed by him, her, or them, and Schedule shall be lodged with the Clerk of the Court of the said County from which such Process issued, Twenty Days at least before the next succeeding Court: And upon such Petition so filed, the Clerk of the said Court shall issue, under his Hand and Seal, a Copy of the said Schedule, and a Notice to the Creditor or Creditors, at whose Suit such Prisoner or Prisoners are or shall be confined, setting forth the Substance of the said Petition, and summoning them to attend the next succeeding Court, to shew Cause if any they have, why the Prayer of the said Petition should not be granted; which Notice being duly served upon the Person or Persons, his, her, or their Executors, Administrators, Attorney or Agent, at whose suit such Prisoner or Prisoners shall be imprisoned, Ten Days at least before the sitting of the said Court, the Court shall order the said Prisoner or Prisoners to be brought before them; and if the said Creditor or Creditors, at whose Suit he is imprisoned shall appear, or being duly

Summoned shall fail to appear, the Court shall proceed to examine the Nature of the said Petition in a Summary Way, and shall tender to such Person an Oath, to the Effect following:

I, A. B., in the presence of Almighty God, solemnly swear, declare, and profess, That the Schedule now delivered, and by me subscribed, doth contain, to the best of my Knowledge and Remembrance, a full, Just, true, and Perfect Account and Discovery of all the Estate, Goods, and Effects, unto me any Ways belonging, and such Debts as are to me owing, or to any Person in Trust for me; and of all Securities and Contracts, whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me or to my Use, or to any other Person or Persons in Trust for me; and that I or any other Person, or Persons in Trust for me, have not Land, Money, or Stock, or any other Estate, real or Personal, in Possession, Reversion, or Remainder, of the Value of the Debt or Debts with which I am Charged in Execution; and that I have not directly or Indirectly, sold, lessened, or otherwise disposed of in Trust, or concealed, all or any Part of my Lands, Money, Goods, Stocks, Debts, Securities, Contract or Contracts, or Estate, whereby to secure the same, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am Indebted, in any Wise howsoever. So Help Me God.

IV. Be it further Enacted, That if such Prisoner take such Oath, and the Court be convinced of the Truth thereof, the Schedule so subscribed being filed with the Clerk of the Court for the Better Information of the Creditors of such Prisoner or Prisoners, then, and in that Case, it shall and may be lawful for the Court before whom such Oath was taken, by Warrant, to command the Sheriff, Gaoler, or Keeper of any Prison, forthwith to set at Liberty such Prisoner; which Warrant shall be a sufficient Discharge to such Sheriff, Gaoler, or Keeper, and shall indemnify him or them against any escape or Escapes, or Action or Actions, whatsoever, which shall or may be brought, commenced or prosecuted, against him or them, by Reason thereof; And if any such Action shall be commenced against any Sheriff or other Officer, for performing his Duty in Pursuance of this Act, such Sheriff or other Officer may plead the General Issue, and give this Act in Evidence.

V. And be it further Enacted, by the Authority aforesaid, That all the Lands, Tenements, and Hereditaments, which shall be contained in such Schedule, for such Use, Interest, Right, or Title, as such Prisoner or Prisoners then shall have in the same which he or she may lawfully depart withall, and also all Goods and Chattels whatsoever in such Schedule also contained, shall be vested in the Sheriff of the County wherein such Lands, Tenements, Hereditaments, Goods and Chattels, shall lie or be found; and such Sheriff is hereby Authorized, empowered, and required, to sell at Public Vendue, and convey the same to any Person or Persons whatsoever, for the best Price that can be got for the same, and the Monies arising by such Sale shall be by such Sheriff or Officer, upon Oath, paid into the Hands of the Clerk of the Superior Court of the District where such Prisoner shall be confined, for the Uses and Purposes hereafter mentioned; saving to every such Prisoner his or her necessary Apparel and Utensils of Trade.

VI. And be it further Enacted, by the Authority aforesaid, That the Judges of the Superior Court shall appoint Two Commissioners, who shall have full Power to Examine into the Claims of all and singular the Creditors of the Person or Persons imprisoned, as well those at whose Suit he was committed as of all others; and the said Commissioners shall by Advertisement, at the Court House of the District, or in some Public Newspaper, or Gazette, make known the time at which they propose to examine such

Claims (which shall be within Sixty Days after their being appointed) and upon such Creditors, their Executors or Administrators, Agents or Attornies, appearing before them, and satisfying them of the Justice of their Claims, they shall proceed to make Distribution amongst each and every of the Creditors so appearing in Proportion to their respective Demands; and the Clerk of the said Court is hereby directed to pay such Monies so received upon the Sale of such Insolvents Estate into the Hands of the said Commissioners, for the Purposes aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That the Person of such Debtor so discharged shall never be arrested for the same Debt, but the Judgment shall be held to be fully satisfied, and no Execution whatever shall by Virtue thereof issue against any Estate which the said Insolvent Debtor or Debtors may afterwards acquire.

VIII. And be it further Enacted, by the Authority aforesaid, That where-as it has sometimes happened that poor Insolvent Debtors have been a long Time confined in Gaol for want of Knowing to whom to give Notice of their Intention to take the Benefit of the Act for the Relief of such Insolvents, where the Party at whose suit such Debtor was in Execution did not reside in this Colony, nor had any Known Agent or Attorney here to whom he could give such Notice, which by the Laws in Force in such Cases is required to be given; which long Confinements have also happened in Cases where Debtors have remained in Prison Twenty Days, and the Sheriffs or Gaolers have not known to whom to give Notice thereof, or of whom to demand Security for their Prison Fees after the expiration of the Twenty Days: For the further Relief therefore of such Insolvent Debtors, Be it Enacted by the Authority aforesaid, That when the Party at whose Suit or Instance any such Debtor shall be confined in Execution does not reside in this Colony, nor hath any Known Agent or Attorney here, it shall and may be lawful and sufficient for such Insolvent Debtor to give Notice of such his Intention to take the Benefit of the said Act for the Relief of Insolvents, to the Attorney at Law who prosecuted the Suit against him; and also where the Debtor shall have remained in Execution for the Space of Twenty Days, it shall be lawful and sufficient for the Sheriff or Gaoler, in the like Cases, to give Notice thereof to the Attorney who prosecuted the Suit, and to demand Security of him for the Prison Fees that shall arise after the Expiration of the Twenty Days; and if he shall fail or refuse to give such Security, then to Discharge such Debtor out of Custody.

IX. And be it further Enacted, by the Authority aforesaid, That if at any Time hereafter any Person being taken or charged on mesne process or Execution, shall not be able to satisfy or pay his or her Prison Fees, shall after the Expiration of Twenty Days be discharged by the Creditor, and the Sheriff or Gaoler may demand or Recover of the Party or Parties at whose Suit such Insolvent Person shall be imprisoned, all such Fees as shall become due on Account of such Imprisonment.

X. And be it further Enacted, by the Authority aforesaid, That if any Person who shall take such Oath, shall, upon Indictment of Perjury, be convicted thereon, he shall suffer all Pains of wilful Perjury, and shall be liable to be taken on a New Process, and shall never after have the Benefit of this Act.

XI. And be it further Enacted, by the Authority aforesaid, That where by this Act an Oath is required, the Solemn Affirmation of a Quaker shall be taken, in lieu thereof; and every Person convicted of wilful and false affirming, shall suffer the like Penalties as for wilful and corrupt Perjury.

XIII. And be it further Enacted, That every Law heretofore made respect-

ing the Relief of Poor Debtors, as to the Imprisonment of their Persons, be repealed and made Void.

CHAPTER V.

An Act for appointing Public Treasurers, and directing their Duty in Office.

I. Whereas the Act appointing Public Treasurers will expire with the End of the present Session of Assembly, and it being Expedient that Treasurers should be appointed to receive the Money arising from the Duties on Liquors, Public Taxes, and all other Public Money payable into the Treasury of this Province;

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That Joseph Montfort, Esq., be, and is hereby appointed Public Treasurer of the Counties of Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrell, Northampton, Edgecomb, Granville, Orange, Hertford, Bute, Halifax and Chatham; and that Richard Caswell, be, and is hereby appointed Public Treasurer for the Counties of Anson, Beaufort, Bladen, Brunswick, Cumberland, Craven, Carteret, Duplin, Dobbs, Guilford, Hyde, Johnston, Mecklenburg, New Hanover, Onslow, Pitt, Rowan, Surry, Tryon and Wake: Which said Treasurers shall, immediately after the Ratification of this Act, give Bonds respectively, and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Fifty Thousand Pounds lawful Money of Great Britain each, with Condition that he will diligently and faithfully collect from the respective Sheriffs, Receivers and Collectors of Duties, and other Persons charged with Public Monies in his District, and well and truly account for and pay to the General Assembly of this Province, when thereto required, all Public Monies which he shall receive, and for the faithful and regular Discharge of the Duties of his said Office; which Bonds shall be lodged in the Secretary's Office, and in Case of a Breach of the Condition thereof, may be recovered in any Court of Law in this Province having Cognizance thereof.

III. And be it further Enacted, by the Authority aforesaid, That the said Treasurers and each of them, is and are hereby impowered, authorized and required, to receive all Public Monies and Taxes payable in the several Counties within their respective Districts; and the Sheriff of each of the said Counties, and other Collectors and Receivers of Public Monies within any of the said Counties, are hereby directed and required, on or before the Tenth Day of June Yearly, to account with upon Oath, and pay into the Hands of the Treasurers, of his respective District all public monies which the said Treasurers, or either of them, are by Law impowered and required to receive.

IV. And be it further Enacted, by the Authority aforesaid, That all Collectors or Receivers of Duties shall, on or before the Tenth Day of June Yearly, account for on Oath, and pay to the Treasurer of the respective District, all such Sums of Money by them collected and received in Virtue of the several Acts of Assembly of this Province.

V. And be it further Enacted, by the Authority aforesaid, That an Allowance of Five Per Cent, shall be made to the said Treasurers on all Monies by them respectively received, accounted for, and paid into the General Assembly as aforesaid.

VI. And be it further Enacted, by the Authority aforesaid, That the Clerk of each County in this Province shall, within Five Months after the Ratification of this Act, lodge with the Public Treasurer of his District wherein

such Counties lie, all and every Bond now in his possession, given by any Present or former Sheriff of the said County, for the well and truly collecting, and duly accounting for and paying, the Public Taxes of such County; and the said Clerk shall also lodge with the said Treasurer all such Bonds as shall at any Time hereafter be entered into and given by any succeeding Sheriff of his County for the Purposes aforesaid, within Three Months after the Time of Executing such Bond or Bonds (the said Clerk first recording such Bond or Bonds at large among the Records of the Court) an Attested Copy thereof, under the Hand of the said Clerk, in Case of the loss of the Original Bond, and due proof thereof made, shall be as good and valid in any Court of Law in this Province, against any such Sheriff and his Securities, their, or any of their Heirs, Executors, or Administrators, as if the Original Bond was there to be produced; and if any such Clerk shall fail or neglect to record such Bond or Bonds, and lodge the same with the Treasurer of his District within the Time before limited, such Clerk shall be liable to a Suspension from his Office, on due Proof thereof made to the Inferior Court whereof he is Clerk; and such Sheriff shall pay to the Clerk the accustomed Fees for recording the same.

VII. And be it further Enacted, by the Authority aforesaid, That when any Sheriff shall fail to make Payment of any Public Monies by him received, at the Time by Law appointed, or shall otherwise incur a Forfeiture of his Bond of Office, that then it may be lawful for the Treasurer in whose District such Sheriff shall be, and he is hereby directed, to issue a Scire Facias against such Sheriff and his Securities; and in case of the Death of the said Sheriff or his Securities, against the Executors and Administrators of such Sheriff or his Securities, which Scire Facias shall be returnable to the Superior Court next Succeeding; and the said Sheriff and his Securities or their Executors or Administrators, shall appear and plead, and the Matter shall be tried at the Court to which such Process shall be returnable; and the Judges of the said Court shall proceed to judgment the First Court, as the Right of the Matter may be, and all Matters of Law relative thereto, shall be determined at the same Court, any Law to the contrary notwithstanding: And in Case of Neglect or Failure of either of the said Treasurers to commence Suits against, or otherwise prosecute, any Sheriff or other Person, now in Arrear to the Public, within the Time hereby limited and directed for commencing Suit against such Delinquent Sheriff, and other Receivers of Public Monies, and their Securities; that then, and in such Case, the said Treasurer shall be liable to, and stand chargeable with, all Arrearages due to the Public from such Sheriff, and other Receivers of Public Monies, within his respective District.

VIII. And be it further Enacted, by the Authority aforesaid, That the Public Treasurers in this Province shall keep, in well bound Books, to be provided for that Purpose at the Public Charge, true, faithful, and just Accounts, with the several Counties of their respective Districts, and therein Debit the Sheriff for the Year with the Number of Taxables as by the List returned by the Clerk, and give such Sheriff Credit for all Insolvents allowed by the Inferior Court agreeable to Law, and also for the several Sums he shall receive from such Sheriff; and also keep an Account of all the Money by him received from Time to Time, on the respective Duties, Impositions, and Taxes, by Virtue of any Act or Acts of Assembly; and also of all such Sum and Sums of Money as he shall pay out of the Treasury, pursuant to any Act or Resolution of the General Assembly; which Accounts shall be so kept, as the neat produce of the several and respective Duties, Impositions, and Taxes, and the Money paid out of the Treasury for every

Particular Service may appear separate and distinct from each other; which Accounts, and all others relative to the Receipt and Disbursement of Public Monies, shall at all Times be open for the Inspection and Perusal of the Governor, or Commander in Chief for the Time Being; and shall by the Public Treasurer of each District, together with the Number of Taxables for each County, be laid before the General Assembly, for their Examination, Approbation, and Allowance: And that the Governor, or Commander in Chief for the Time Being, may be more readily informed of the State of Public Accounts, the Treasurer of each District shall transmit to him such Transcripts or Information as he shall from Time to Time require.

IX. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Two Years, from and after the Passing thereof, and from thence to the End of the Then next Session of Assembly, and no longer.

CHAPTER VI.

An Act for annexing the North Part of Rowan to the County of Surry, and the further Establishing and erecting the Parish of Dobbs into a separate and Distinct Parish.

I. Whereas the Inhabitants of the North Part of Rowan County labour under great Inconveniences in attending the Courts, and other public Meetings, at the Court House of the said County: and as it would be much more convenient for them to attend Public Business in the County of Surry, are desirous of being annexed thereto: And as by an Act, entitled, An Act for erecting that Part of Rowan County, called Wachovia, into a Distinct Parish, the Tract of land formerly in the County of Rowan, called and named Wachovia, belonging to the Unitas Fratrum (or United Brethren) according to the Known Boundaries and Limits thereof, as erected into a Parish, distinct and Separate from the Parish of St. Luke, in the said County, and called by the Name of the Parish of Dobbs, and were intended to hold, Use, and exercise, the like Authorities and Powers, and Possess and enjoy the same Immunities and other Privileges, as other Parishes in this Province: And as by an Act for dividing the Northern Part of Rowan County, and erecting a New County and Parish, by the Name of Surry County, and St. Jude's Parish, the Dividing Lines between the Counties of Rowan and Surry ran through the said Parish of Dobbs, by which Means Part of the said Parish was left in each of the said Counties, from which great Inconveniences arise to the Inhabitants of the said Parish:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the dividing line between the Counties of Rowan and Surry shall begin at a Point in the Line dividing Rowan and Guilford Counties, Thirty Six Miles North from the South East Corner of Rowan, thence running a due West Course to the Ridge dividing the Waters of the Yadkin and Catawba Rivers, which Line is to be parallel to Earl Granville's South Boundary Line (excepting where the Bounds of the Parish of Dobbs interfere, which Parish is hereby intended and declared to be included in Surry County) and by the said dividing Ridge and the Mountains to the Virginia Line; and all that Part bounded to the Northward by the Line before described to be marked, shall be, and is hereby annexed to, and made Part of Surry County.

III. And be it further Enacted, by the Authority aforesaid, That that Part of Rowan County, and Parish of Dobbs, which by the Division of Rowan and

Surry Counties fell into Rowan County, be added to Surry County as aforesaid; so that all that original Tract of Land called Wachovia, or Dobbs Parish according to the known Bounds and Limits thereof, be made Part of Surry County, and be and remain One Entire Parish as before, distinct and separate from the Parish of St. Jude, and any other Parish whatever, and be entitled to use, hold, and exercise the like Authorities and Powers, and Possess and enjoy the same Immunities, and other Privileges, as other Parishes in this Province.

IV. Provided always, That nothing contained in this Act shall be construed to deprive the Parishes of St. Luke and St. Jude of any of their Privileges, Powers and Authorities, exclusive of the said Parish of Dobbs, as they have heretofore enjoyed them; any Thing contained in this, or any other Law, to the Contrary notwithstanding.

V. Provided also, That nothing herein contained shall be intended to hinder any Sheriff or Collector of Public Taxes of Rowan County, from collecting or Distraining for any Taxes, or Arrears of Taxes now due, and while he is Sheriff, or Collector of Public Taxes of Rowan, is or may be accountable for from any Person or Persons, within the Bounds before mentioned and described.

VI. And be it further Enacted, by the Authority aforesaid, That Griffith Rutherford, Anthony Hampton, John Braby, Robert Lanier, and Christian Ruiter, Esquires, are hereby appointed Commissioners to run the dividing Lines, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered upon Record in the Court of each of the said Counties, and shall be hereafter deemed and taken to be the dividing lines of the Counties of Rowan and Surry, and the expence of running the said Lines to be paid by the Inhabitants of Surry County, out of the County Tax, to the said Commissioners.

VII. And be it further Enacted, by the Authority aforesaid, That so much of a former Act of Assembly, entitled, An Act for dividing the Northern Part of Rowan County, and erecting a new County and Parish, by the Name of Surry County, and St. Jude's Parish, as comes within the Purview of this Act, is from henceforth repealed and made void.

CHAPTER VII.

An Act for building a Gaol in Beaufort County.

I. Whereas the Gaol in Beaufort County was lately Burnt;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Wyriot Ormond, William Brown, and Christopher Respiss, are hereby appointed Commissioners; and they, or the majority of them, are hereby authorized and impowered to agree and contract with Workmen and others, to build and compleat the said Gaol: And in order to enable them to defray the Costs and expences thereof, a Poll Tax of Two Shillings Proclamation Money, is hereby imposed on each Taxable Person within the said County for One Year, and the Sheriff of the said County, for the Time being is hereby impowered to collect and receive the same; and the said Sheriff is hereby required to Account for the same to the said Commissioners, or the Majority of them, under the same Rules, Regulations, and Restrictions, as Sheriffs are liable to in Collecting and accounting for Public Taxes; and the said Commissioners so acting, are hereby directed and required to account for, and settle with the Justices of the Inferior Court of the said County; and the overplus if any, after the

Costs and Expences of Building and compleating the said Gaol, shall be applied towards lessening the County Tax.

CHAPTER VIII.

An Act to exonerate John Tagert and Francis Adams, late Sheriffs of Tryon County, from being Chargeable with the Collection of Taxes taken into South Carolina.

I. Whereas the dividing Line extended between this Province and South Carolina, by Order of his Majesty in Council, a Number of Inhabitants that before the Division aforesaid were lifted and deemed Taxables of Tryon County, in this Colony, are since Fallen into South Carolina, and refuse to pay their Taxes to this Government; and there being no Law to compel them to pay the same, by which Means John Tagert, and Francis Adams, late Sheriffs of Tryon County, will become chargeable with those Taxes that they have not collected from the Persons aforesaid for these several Years, to their great Injury and Hurt, unless timely prevented.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the said Sheriffs of Tryon County shall not be chargeable with any Taxes due from those Persons that were listed and deemed Taxables of Tryon County aforesaid, who since the Division of the said Provinces have fallen into South Carolina, until a Law or some Remedy be had for that Purpose from the Province of South Carolina aforesaid, to compel them to pay the same; and the Court of Tryon County, at any Sessions, are hereby directed and authorized to give Credit to the said Sheriffs in their Settlement of County Taxes for such Taxables as have fallen into South Carolina since the running the said Dividing Line, who have not paid the same; a Certificate of which settlement shall be by the Clerk of the said Court transmitted to the Treasurer of the District, by which the said Treasurer shall, and is hereby bound to pass the said Sheriffs Public Accounts, any Law to the contrary, notwithstanding.

III. Provided nevertheless, That nothing contained in this Act shall be extended to excuse the said Sheriffs from being chargeable with the Payment of such Taxes which they have received from such Taxable Persons, now Inhabitants of South Carolina, before the running the said Line, or which they shall hereafter receive from said Taxables, or from the Inhabitants of the said County; but shall Bona Fide Account for, on Oath, before the Inferior Court of Tryon County, and pay the same; any Thing herein contained to the contrary, notwithstanding.

CHAPTER IX.

An Act for laying out and establishing a Public Road from Charlotte Town, in Mecklenburg County, to Bladen Court House.

I. Whereas a Public Road from Charlotte Town, in Mecklenburg County, through the Counties of Mecklenburg and Anson, to Hall's Ferry, on Drowning Creek, and from thence the nearest and most convenient way into Johnston's Bluff Road, leading to Bladen Court House, would be of Singular Advantage to the Inhabitants of the said Counties, and others, and would promote the Trade and Commerce of the said Counties:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That John Polk, Adam Alexander, Robert Barnett, John Cole, Charles Robinson, William Terry, Jun., Neil McFall, Joseph

Ford, Joseph Riffin, James Piggot, and Thomas Robinson, Jun., Esquires, be, and they are hereby appointed Commissioners, for laying out and establishing the said Road; and they, or a Majority of them, are hereby authorized and directed, as soon as conveniently may be after the passing of this Act, to lay off, mark, or establish, or cause to be laid off, marked, or established, a Public Road from Charlotte Town, in Mecklenburg County, through the Counties of Mecklenburg and Anson, to Hall's Ferry, on Drowning Creek, and from thence the nearest and most convenient Way to Johnston's Bluff Road, leading to Bladen Court House; and the said Commissioners or a Majority of them, after having marked, staked, laid out, and established the said Road, shall, and are hereby impowered and directed, to make an accurate Plan thereof, and the same to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Sessions to be thereafter respectively held for the Counties aforesaid; and the Justices of the said Courts are hereby directed to receive the same, and are thereupon authorized and required to appoint so many Overseers or Commissioners of the said Road within their respective Counties, as to them shall from Time to Time appear convenient and necessary; and the said Overseers, and the Inhabitants of the said Counties respectively, shall clear and Work on the said Road, in the same Manner and under the same Rules and Regulations, and subject to the like Penalties as is prescribed by an Act, entitled, An Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and establish and settle Ferries, and to appoint where Bridges shall be built, for the Use, and Ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners shall be allowed and paid for their trouble and Expences in marking, staking, and laying out the said Road, the Sum of Five Shillings each per Day, out of the County Tax of their respective Counties.

CHAPTER X.

An Act to continue an Act, passed the Fifteenth Day of January, in the Year of our Lord One Thousand Seven Hundred and Seventy One, entitled, An Act to alter the method of working upon the Roads in the County therein mentioned.

I. Whereas, the before recited Act is near expiring, and is by experience found to be of Utility to the County therein mentioned.

II. Be it therefore Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That the before recited Act be, and is hereby continued for Three Years, and from thence to the end of the next session of Assembly.

CHAPTER XI.

An Act to prevent making Hedges across Great Cotentney Creek, little River of Pee Dee, Rocky and Uahara River.

I. Whereas it hath been represented to this Assembly that the frequent making of Hedges and Stops Across Great Cotentney Creek, little River of Pee Dee, Rocky River, and Uahara River, is not only destructive of Fish, but hath rendered the Navigation of the said Creek and Rivers difficult and dangerous.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Person or Persons whomsoever to make, erect, or extend any Hedge, Stop, or Dam, in or across Cotentney Creek, below Stephen Cobb's Mill, Little River, below John Smith's Mill, Rocky River, or Uahara River in Anson County, under the Penalty of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court having Cognizance thereof, by any Person who shall sue for the same.

III. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in force for and during the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XII.

An Act to alter the Method of Working upon the Public Roads in the County of New Hanover.

I. Whereas the Power given to overseers by an Act of Assembly, passed in the Fifth Year of his Majesty's Reign, entitled, An Act to empower the Inferior Courts of the several Counties in this Province to order the laying out Public Roads, and establish and settle Ferries, and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks, hath been found inconvenient in the County of New Hanover, and not answer the Purposes thereby intended;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the County of New Hanover be, and is hereby divided into the four following Districts, and that Cornelius Harnett, George Merrick, William Purviance, William Wilkinson, and Bishop Dudley, Esquires, be commissioners of the Roads for the South District of the said County, lying between Cape Fear River and the Sea, bounded on the North by the County of Onslow, to the west of Cape Fear River and Smith's Creek, so as to include all the Inhabitants within Two Miles West of the Road leading from Wilmington to Busby's Swamp; and that the Honorable John Rutherford and Lewis DeRosset, Esquires, Alexander Lillington, Frederick Gregg, and Thomas Fisher, Esquires, be Commissioners of the Roads for the North East District of the said County, bounded to the South by Smith's Creek, to the West by the North East River, up the said River to the Bounds of the County, and to include all the Inhabitants within Two Miles West of the High Road leading from Wilmington to Busby's Swamp aforesaid; and that the Honorable Samuel Strudwick, Esquire, Samuel Ashe, Geo. Moore, Frederick Jones, and William Robinson, Esquires, be commissioners of the Roads for the Rocky Point District, bounded to the South and East by the North East river, to the West by Riley's Creek, and thence Northward by a Line Parallel to the Public Road leading from Heron's Bridge to the Bounds of the County of Duplin; and that Colonel James Moore, John Calvin, John Devaun, John McDoughnell, and John Larkins, Esquires, be Commissioners of the Roads for the Black River District, bounded to the West by the North West River, to the North by the Counties of Bladen and Duplin, and to the East by Riley's Creek and the Western Bounds of Rocky Point District, and to the South by Negro Head Point.

III. And be it further Enacted, by the Authority aforesaid, That in Case any Commissioner appointed by this Act refuse or neglect to take upon him such office, or shall die or remove out of his District, the remaining or sur-

living Commissioners of such District shall, and are hereby required, empowered and directed, to appoint another in his Room; who shall have the same Power, and shall be liable to the same Pains and Penalties, as the Commissioners have and are liable to who are appointed under this Act.

IV. And be it further Enacted, by the Authority aforesaid, That the before recited Act, and every Clause and Article thereof, so far as it relates to the County of New Hanover, shall be from henceforth repealed and made Void. And the Commissioners appointed by Virtue of this Act, are hereby vested with all the Powers and Authorities, and shall be subject to the same Rules Regulations and Restrictions, Pains and Penalties, as other Commissioners of Roads are vested with, or Subject to, by an Act of Assembly, entitled, an Act for empowering the several Commissioners herein after named to make, mend and repair, all Roads, Bridges, Cuts, and Water Courses already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most Useful to the Public; any Thing in the before recited Act to the Contrary notwithstanding.

CHAPTER XIII.

An Act to regulate the Attendance of the Minister of Christ Church Parish, at the Parish Church in the Town of New Bern, and at the several Chapels in the said Parish.

I. Whereas from the late increase of Inhabitants, the Residence of the Governor, and Establishment of the Courts of Justice and Civil Officers in the Town of New Bern, the more Regular Attendance of a Minister at the Parish Church in the said Town is become absolutely necessary.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Minister of the said Parish of Christ Church for the Time Being, shall not absent himself from the said Parish Church in the Town of New Bern more than Six Sundays in any Year; and that the said Minister shall, on some Days between the months of March and December, regularly attend the several Chapels that now are, or hereafter shall be erected in the said Parish, twice in every Year; any Order, Law, Usage, or Custom to the Contrary, notwithstanding.

CHAPTER XIV.

An Act for directing the Method of appointing Jurors in all Causes, Civil and Criminal.

I. Whereas a just decision of said Suits and Controversies in the several Courts of Justice within this Province, depend on the Integrity and Capacity of Jurymen:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of the Inferior Courts, within the District of each Superior Court within this Province, shall, and they are hereby directed, before the sitting of any Superior Court, to nominate Twenty Four Freeholders to serve as grand Jurymen, and Twenty Four Free holders to serve as Petit Jurors, at such Superior Court.

III. Provided always, That no Inferior Court shall knowingly nominate any Person to serve as a Grand or Petit Juror at Two Courts Successively,

nor any Person serve on the Petit Jury who shall have an Action or Suit at Issue in the Superior Court, at the term to which he shall be so nominated.

IV. And be it further Enacted, by the Authority aforesaid, That the Number of Freeholders to be nominated for each County, to serve as Jurors, shall be proportioned as follows, to-wit: Craven County Eighteen, Carteret Four, Beaufort Six, Hyde Four, Dobbs Six, Pitt Six, Johnston Four, Chowan Ten, Perquimans Six, Pasquotank Eight, Currituck Four, Tyrrell Six, Bertie Eight, Hertford Six, Northampton Twelve, Halifax Sixteen, Edgecomb Ten, Bute Ten, Orange Twenty, Granville Twelve, Chatham Ten, Wake Eight, Rowan Twelve, Anson Seven, Mecklenburg Seven, Tryon Eight, Surry Seven, Guilford Seven, New Hanover Twelve, Bladen Eight, Onslow Eight, Duplin Eight, Cumberland Six, Brunswick Six; a List of which Jurors, so nominated, shall be delivered by the Clerk of each Inferior Court of Pleas and Quarter Sessions to the Sheriff, who shall, and is hereby required, to summon the Persons so nominated to serve as Jurymen at the Superior Court: And if any Jurymen so summoned, shall fail to appear, he shall be fined Five Pounds Proclamation Money, unless he can shew sufficient cause to the next Court to excuse his non-Appearance; which fine shall be applied to the Payment of such Jurors as shall attend from the said County, and thereby lessen the County Tax.

V. Provided always, That if any of the said Inferior Courts of Pleas and Quarter Sessions shall fail or neglect to nominate Freeholders to serve as Grand or Petit Jurors as aforesaid, or the Persons so nominated shall fail to attend, it shall and may be lawful for such Superior Court to order and direct the Sheriff to summons other Freeholders of the Bystanders, to serve as Jurymen for either Grand or Petit Jurors; and the Persons so summoned shall be deemed and held as lawful Jurymen. Provided, That such Bystanders as shall be summoned to serve on the Petit Jury, shall and may every Day be Discharged; and the succeeding Day and so from Day to Day, during the Continuance of the Court, the Sheriff shall summons of the Bystanders so many as shall be necessary; and every person so summoned of the Bystanders, who shall not appear and serve as Jurymen, shall be fined the Sum of Three Pounds, Proclamation Money, unless he can shew sufficient cause to be admitted by the Court, to be applied as before directed.

VI. And that the Fines may be applied according to the directions of this Act, Be it further Enacted, by the Authority aforesaid, That the Fines herein imposed shall be levied by the Sheriff of each respective County wherein each Person shall reside, who shall be summoned as a Jurymen as is herein directed, and shall fail to appear and serve as such; and such Sheriff shall be accountable for the same to the Inferior Court of his County.

VII. And be it further Enacted, by the Authority aforesaid, That the Sheriff of each respective County shall, and is hereby required, to summons the Freeholders in the List to be delivered to him by the Clerk of the Inferior Court of his County, at least Ten Days before the sitting of the Superior Court at which such Freeholders are to attend as Jurors; which he may do personally, or by leaving a Note or Summons, in Writing, at the Dwelling House of such Freeholder, so to be nominated as aforesaid.

VIII. And be it further Enacted, by the Authority aforesaid, That the Clerk of each Superior Court shall, every Day during the Continuance of such Court, write the names of all Petit Jurors appearing, on Scrolls or Pieces of Paper, which shall be put into a Box; and on every issue in every Suit where it is not otherwise agreed by consent, a Child under Ten Years old, in open Court, shall draw out of the said Box Twelve of the said Scrolls or Pieces of Paper; and the Person whose Names shall be on the said Scrolls or Pieces of

Paper, drawn as aforesaid, shall be the Jurors to try such Issue, provided that they all do appear; and in Case of Defaulters, other Scrolls shall be Drawn, till a sufficient Number shall appear to make a compleat Jury.

IX. Provided always, That if any of the Jurors, whose Names shall be drawn as is hereinbefore directed, shall be lawfully challenged, other Scrolls shall be drawn in manner aforesaid, as Occasion may require, till a Compleat Number of Jurors shall be made out.

X. And whereas the attending Superior Courts will be very Expensive to Jurors: For Remedy whereof, Be it Enacted, by the Authority aforesaid, That each and every Juror who shall attend either of the Superior Courts to which he shall be nominated as aforesaid, and summoned, in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the Inferior Court to the County where he resides, shall have and receive Three Shillings, Proclamation Money, for every Day he shall travel and attend as aforesaid, and an allowance for his Ferriages, if certified as aforesaid, to be paid out of the County Tax.

XI. Be it further Enacted, by the Authority aforesaid, That every Juror in the Superior and Inferior Courts shall be allowed Eight Pence for every Suit tried by him, which shall be paid, by the Party paying Costs on the Suit, to the said Jurors.

XII. And be it further Enacted by the Authority aforesaid, That in all Suits in the Superior Courts of Justice within this Province, wherein the Title or Bounds of Lands shall come in Question, if it shall appear to the Court necessary, such Court may order two Surveyors, (one to be named by each Party) to attend, and run out and survey the Lands in Dispute, agreeable to the Bounds and Lines expressed in each Parties Titles, and make Three Accurate Plans of such Surveys, and return the same to such Court; which Order such surveyors are hereby required to obey, and shall be allowed Twenty Shillings, Proclamation Money, each, for every Day they shall be travelling to and from attending the Surveys, and performing the Duty by this Act required; which Allowance shall be taxed in the Bill of Costs, and paid by the Party Cast.

XIII. Provided nevertheless, If the Parties shall agree to, have but One Surveyor appointed to perform such Services, that then and in such Case, the Court shall order One Surveyor only to attend, survey, and run out the Lands in Dispute; who shall return three Plans in the same Manner, and be entitled to the same Allowance, as he would have been entitled to, if Two Surveyors had been appointed.

XIV. And be it further Enacted by the Authority aforesaid, That the Sheriff of each respective County of this Province shall, Five Days at least before the sitting of each respective Inferior Court, to be held after the passing of this Act, summon Twenty Four Freeholders to serve on the Grand Jury, and Twelve Freeholders to serve on the Petit Jury, to attend at such Courts respectively, which said Jury shall appear and give their attendance accordingly, till discharged by the Court; and that there may not be a Default of Jurors, it shall and may be lawful, during the sitting of the Inferior Court, for the Sheriff, by Order of the said Court, to summon of the Bystanders other Jurors, being Freeholders, to serve on the Petit Jury, from Day to Day; and on any Day of the said Court, the Justices may discharge those who have served the preceding Day.

XV. And to Inforce the Attendance of Jurymen at the said Inferior Courts, Be it Enacted by the Authority aforesaid, That every Person who shall hereafter be summoned in Virtue of this Act, to appear either as a Grand or

Petit Juryman at any Inferior Court, and shall fail to appear, or to give his attendance till Discharged, by Order of the Court, such Person so failing to appear, or giving his Attendance till discharged shall be fined Forty Shillings by the Justices of the Inferior Court (to be applied towards defraying the Charges of the County, and lessening the County Tax) unless he shall shew sufficient Cause to the next succeeding Court for such Failure.

XVI. And be it further Enacted, by the Authority aforesaid, That no Sheriff, or other Officer, shall serve or execute any Writ, or other Process, on the Body of any Juror, during his Attendance on, or going to, and returning from any of the said Courts; and any such Service shall be void, and the Defendant may on Motion be discharged.

XVII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Six Months, from and after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XV.

An Act for rendering the Navigation of Trent River more Useful and Advantageous.

I. Whereas about Twenty Five Miles above the Town of New Bern, in Craven County, the River Trent makes a sudden Crook or Turn round a piece of Low Land near the Distance of Five Miles, and then returns within Eighty Feet of the Place where the said Crook began; and whereas the said River is there in Many Places Shoal, and otherwise so stopped up, as to render the passage of Crafts both Difficult and Dangerous; and as the said Disadvantages may be easily removed, by cutting a Canal through a small neck of Land called Harper's, the Proprietor thereof unknown, which the Inhabitants are willing to perform at their own Expence.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Lemuel Hatch, Edmond Hatch, and Emanuel Simmons, be, and are hereby appointed Commissioners, for laying out and directing the Execution of the Said Canal; and they, or any of them, are hereby invested with full Power, and Authority to see the same carried into Execution, without incurring any Forfeiture or Damage for cutting the said Canal through the Lands of any Person or Persons whatsoever; any Law, Usage, or Custom to the Contrary, notwithstanding.

CHAPTER XVI.

An Act to encourage the destroying Vermin in the several Counties therein mentioned.

I. Whereas the Counties of Bute, Orange, Anson, Granville, Tyrrell, Chatham, Wake, Mecklenburg, Guilford, Onslow, Carteret, and Surry, are much infested with Wolves and other Vermin, to the great Prejudice of the Inhabitants thereof:

II. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That every Person who shall kill any of the Vermin hereinafter mentioned, within Ten Miles of any settled Plantation in any of the said Counties, shall be entitled to a Claim on the County where such Vermin shall be killed, to the several Rewards as follows: For every Wolf Ten Shillings, Proclamation Money, for every Wild Cat Two Shillings and Six

Pence, and for every Panther Ten Shillings, to be paid as hereinafter directed.

III. And be it further Enacted, by the Authority aforesaid, That any Person who shall have a Claim for Killing any of the aforesaid Vermin, are hereby directed to, produce the Scalp of the aforesaid Vermin, with both Ears, before a Magistrate, who is to administer an Oath to such Person claiming the same, that it was taken and killed within the Bounds of such County where the Claim shall be made; and if any Slave or Indian that shall kill any Vermin, of which the Head or Scalp shall be produced as aforesaid, the Master or Owner of such Slave or Indian, or he that makes Claim for such Scalp or Scalps in behalf of any Slave or Indian, shall make Oath before such Magistrate, that he verily believes the same was taken and killed within the Counties wherein the same was claimed; which Oath being administered, the Magistrate is hereby directed to give a Certificate for the same, and immediately cause such Scalp to be destroyed.

IV. And be it further Enacted, by the Authority aforesaid, That any Person having a Certificate from any such Magistrate shall, upon Producing the same to the Court of the County where such Certificate was obtained, be entitled to the Sum or Sums due upon such Certificate; which several Sums so paid, shall be allowed by the Court out of the County Tax.

V. And be it further Enacted, by the Authority aforesaid, That the several Justices of the Inferior Courts of Pleas and Quarter Sessions within the said Counties, are hereby required, authorized, and impowered, to lay a tax on the several taxable Persons within their respective Counties, for discharging the said Claims.

VI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XVII.

An additional Act to an Act, entitled, an Act for establishing a School-house in the Town of New Bern.

I. Whereas the incorporated Society for promoting and establishing the Public School in New Bern have taken up Four Lots of Land, lying in the said Town, known in the Plan thereof by the Numbers or Figures 313, 327, 328, and 329, and are contiguous to, and in the same Square, in which the said Society have erected a Large and convenient Building, for the Use and Accommodation of the Master and Scholars of the said School; and it being inconvenient that any other Buildings sufficient to save the said Lots should be erected on the same:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Building already erected, shall be held, deemed, and taken to be a sufficient Saving and Improvement of the said Lots Number 313, 327, 328, and 329, within the Extent and Meaning of the Act of Assembly in such Case made and provided; and the said four Lots are hereby declared to be saved and improved Lots accordingly, and vested in the Trustees of the said Incorporated Society, and their successors, forever, in Trust and Confidence, to and for the Use of the said School; any Act or Acts of Assembly to the contrary notwithstanding,

CHAPTER XVIII.

An Act to prevent hunting with a Gun in the Night by Fire Light.

I. Whereas many Persons, under pretence of hunting for Deer in the night by Fire light, kill Horses and Cattle, to the Prejudice of the Owners thereof,

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person or Persons shall be discovered hunting in the Woods with a Gun in the Night Time, by Fire Light, such Person, or Persons so offending, shall forfeit and pay for every Offence the Sum of Five Pounds, Proclamation Money, to be recovered by a Warrant from any Justice of the Peace in the County; one Half to the Informer, the other Half to the Use of the Parish where such Offence shall be committed: And upon due Conviction thereof before such Justice on Trial, it shall and may be lawful for such Justice thereupon to give Judgment, and award Execution against the Body, Goods or Chattels, of the Offender, and order such Offender to the County Gaol, there to remain One Month, without Bail or Mainprize, or until the said Fine, and the Fees accruing thereon, shall be paid.

III. And be it further Enacted, by the Authority aforesaid, That if any Slave, or Slaves, shall be discovered Hunting in Manner hereinbefore mentioned, such Slave or Slaves shall, upon due Conviction thereof before any Justice of the Peace of the County, have and receive Fifty Lashes on his bare Back well laid on; and the Gun or Guns found in the Possession of any Slave so hunting in the Night as aforesaid, shall be forfeited to, and become the Property of the Person or Persons that shall discover and prosecute any Slave or Slaves in Manner as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That an Act of Assembly, passed at New Bern, in the Seventh Year of his Majesty's Reign, entitled, An Act to prevent hunting for and killing Deer in the Manner therein mentioned, be from henceforth repealed and made Void.

CHAPTER XIX.

An Additional Act to an Act, entitled, An Act for amending An Act entitled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town.

I. Whereas from the great Increase of Buildings in the Town of New Bern, Damages may hereafter arise by Fire; and it appearing necessary that water Engines, and other Instruments for extinguishing Fire, be procured as soon as Possible:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Commissioners of the said Town, or the Majority of them, shall, and they are hereby required, to assess and value every House within the said Town (public Buildings excepted) and to lay a Tax on such Value, not exceeding Two Shillings in the One Hundred Pound, for each Year, during the Continuance of this Act; and also in like Manner assess the Trades or Faculties of all Residenters who are not Owners of Houses in the said Town, Regard being had to their Circumstances, so that the Assessment may be equally proportioned to the Danger they may be subject to by Fire; which Money assessed on the Owners of Houses and residenters as aforesaid, shall be collected and applied towards purchasing a Water Engine, Buckets, Ladders, and other Instruments proper for extinguishing Fire, and erecting one or more Public Pumps; and if any Person shall neglect or refuse to pay

such Assessment, the same shall be levied by a Warrant, under the Hands of the Commissioners or a Majority of them, directed to the Sheriff of Craven County, or to the Constable of the said Town, on the Effects of such Delinquent or Delinquents; And as soon as such Engine, and other Instruments for extinguishing Fire as aforesaid, shall be procured, it shall and may be lawful for the said Commissioners or a Majority of them, to appoint and establish a Fire Company to manage and work the said Engine.

III. And be it further Enacted, by the Authority aforesaid, That the Fire Company to be appointed in Virtue of this Act, shall once in every Month exercise themselves and work the said Engine; and also be ready, in Case of an Alarm by Fire, to repair to the Place where such Fire shall happen, to be with the said Engine and other Instruments, and then and there to use their utmost Efforts to extinguish the same, under the Penalty of forfeiting each Five Pounds, Proclamation Money, for such Refusal or Neglect; to be recovered and applied as hereinafter directed.

IV. And be it further Enacted, by the Authority aforesaid, That the Fire Company for the Town of New Bern, and each and every of them, during the Time they continue to comply with the Directions of this Act, shall be exempt from bearing Arms at Musters, and serving on any Jury; any Thing contained in any Law to the Contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That each and every Householder within the said Town of New Bern shall procure, or cause to be procured, within Six Months after the passing of this Act, Two sufficient Leather Buckets, and a Ladder, of not less than Twenty Five Feet long, and keep the same in continual Readiness against any alarm by the breaking out of Fire in the said Town; on neglect whereof, he, she, or they, shall forfeit and pay Forty Shillings, for every Year they continue or neglect to be furnished as aforesaid.

VI. And be it further Enacted by the Authority aforesaid, That from and after the passing this Act, no Person whatever shall immoderately ride any Horse or mare, or in like Manner drive any empty Waggon, Cart, or other Carriage, in or through the streets of the said Town: And if any Person shall Offend herein, and be convicted thereof, he, she, or they, shall forfeit and pay Ten Shillings for each and every Offence; if the Offender be under age, the Parent, Master or Guardian, shall pay the said Fine; and if a Slave shall, by order of the next Magistrate, be whipped, not exceeding Twenty lashes, unless the master of said Slave shall pay the said Fine.

VII. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town, or the Majority of them shall, and they are hereby empowered and required, to regulate the Assize of Bread, when necessary; and any Person or Persons refusing to comply with such Orders, shall forfeit and pay Forty Shillings for every refusal; to be recovered and applied as is hereinafter directed.

VIII. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town, or the Majority of them, for the Time Being, shall, Yearly, and every Year, appoint a Proper Person to cord Wood in the said Town, who shall take an Oath for the faithful and impartial Discharge of his Duty before a Justice of the Peace, and procure a Certificate thereof; and after such Qualification, it shall not be lawful for any Person to sell Wood in the said Town, until the same may have been measured or examined by the Sworn Corder, under the Penalty of Five Shillings for each Cord sold contrary to the Meaning of this Act; to be recovered before any Justice of the Peace, for the Use and at the Suit of such Sworn Corder: And if such Corder shall refuse to attend to do his Duty at the Different Places

where Wood is usually Corded, he shall for every Neglect forfeit and pay Twenty Shillings; to be recovered and applied as is hereinafter directed: And the said Sworn Corder of Wood shall and may take for his Trouble in examining and measuring each Cord of Wood, Six Pence and no more; one Half whereof shall be paid by the Seller, and the other by the Buyer.

IX. And be it further Enacted, by the Authority aforesaid, That from and after the First Day of June Next, it shall not be lawful for any Person, to retail Wheat Flour or Indian Corn Meal by Measure within the said Town, but that the said Articles shall be sold by weight; and the Person or Persons offending herein, shall for every Bushel so sold, forfeit and pay Five Shillings, to be recovered and applied as hereinafter directed.

X. And be it further Enacted, by the Authority aforesaid, That if any Householder in the said Town shall suffer his, her, or their Chimney or Chimnies to catch on Fire, so that a Blaze be seen without, he, she, or they shall, for each Chimney so on Fire, forfeit and pay Twenty Shillings, one Half to the Informer, the other Half for the Use of the said Town; to be recovered by Warrant before a Justice of the Peace.

XI. And whereas Sundry idle and disorderly Persons, as well as Slaves, and Children under Age, do make a Practice of firing Guns and Pistols within the said Town; Be it Enacted, by the Authority aforesaid, That if any such Person shall for the Future fire a Gun or Pistol within the said Town, he shall pay a Fine of Ten Shillings for each Offence, to be recovered as aforesaid; if the Offender be under Age, the Parent or Master, or Guardian, shall pay the said Fine; and if a Slave shall, by Order of the next Magistrate, be whipped, not exceeding Twenty Lashes, unless the Master of such Slave shall pay the said Fine.

XII. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town, or a Majority of them, are hereby impowered and required to appoint Two or more Watchmen, whose Duty shall be regulated by the Commissioners, and who shall be paid out of the Monies arising by Virtue of this Act.

XIII. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act, the Manner of Recovery and applying whereof not hereinbefore directed, shall be recovered by Warrant, under the Hands of the Commissioners for the Time Being, or a Majority of them, directed to the Sheriff of Craven County, or to the Constable of the said Town, and be levied on the Body, or Goods and Chattels of the Offender, and be applied to the Common Stock of the said Town; and be accounted for by the Commissioners in Manner directed in and by the Laws heretofore passed for the better Regulation of the said Town.

XIV. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for and during the Term of Three Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XX.

An Act laying out a Public Road from Dan River through the Counties of Guilford, Chatham and Cumberland to Campbellton, and for a public Road from the Shallow Ford in Surry County to join the same.

I. Whereas a Public Road from Dan River, through the Counties of Guilford, Chatham and Cumberland, to Campbelton, would be of general Convenience and Advantage to the Inhabitants of the said Counties, and others,

and would have a tendency greatly to promote the Trade and Commerce of that Part of this Colony:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Samuel Henderson, John Campbell, Robert Fields, Joab Brooks, and Henry Bray, be, and are hereby appointed Commissioners, for laying out and establishing the said Road; and they, or a Majority of them, are hereby authorized and directed, as soon as Convenient after the passing of this Act, to lay, mark, and stake out, or establish, or cause to be laid, marked, and staked out, or established, a Public Road from Dan River, beginning near the middle Sawra Town in the County of Guilford, thence through the said County, Chatham and Cumberland Counties the nearest, best Way to the Town of Campbelton; and the said Commissioners or a Majority of them, after having laid, marked, and staked out and established the said Road, shall, and are hereby impowered and directed to make an Accurate Plan thereof, and the same to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Sessions to be thereafter respectively held for the Counties aforesaid: And the Justices of the said respective Courts are hereby directed to receive the same; and are thereupon authorized and required to appoint so many Overseers of the said Road, within their respective Counties, as to the said Justices shall from Time to Time appear convenient and necessary; and the said Overseers, and the Inhabitants of the said Counties respectively, shall open, clear out, and work on the Same, under the same Regulations, and shall be liable to the same Fines and Penalties, prescribed and inflicted on Delinquents by an Act of Assembly, entitled, An Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads and establish and settle Ferries, and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks; and the Commissioners aforesaid shall be allowed and paid, for their Trouble in the above Service, the Sum of Five Shillings per Day, out of the County Tax of said Counties.

III. And whereas the Method of laying out and working on the Roads in the County of Guilford, under the Power and Direction of Commissioners, hath been found burthensome and inconvenient to the Inhabitants of the said County; Be it Enacted, by the Authority aforesaid, That all the Roads of the said County, after the passing of this Act, shall be laid out, established, and worked upon, agreeable to the Regulations and Directions of the above Recited Act; any Law to the contrary notwithstanding.

IV. And whereas a Public Road from the Shallow Ford, in the County of Surry through the County of Rowan, to join the road before mentioned and described, would be very inconvenient to the Inhabitants of Surry, and the North Part of Rowan County, for the above beneficial Purposes; Be it therefore Enacted, by the Authority aforesaid, That Philip Howard, Samuel Moseby, and John Kimbrough, be appointed Commissioners, who shall, and are hereby required to lay out, mark, and stake a Road, the nearest and best Way to the above mentioned and described Road leading to Campbelton, and establish the same; which said road shall be under the same Regulations, and the Overseers and Inhabitants to work on the same, and subject to the same Penalties and Forfeitures, in the same Manner as the Overseers and Inhabitants of the first described Road mentioned in this Act, and the said Commissioners to be allowed for their Trouble as before mentioned.

CHAPTER XXI.

An Act to amend An Act, passed at New Bern, in the Year One Thousand Seven Hundred and Seventy One, entitled, An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Anson, and Cumberland.

I. Whereas the Commissioners appointed by an Act of Assembly, entitled, An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Anson, Rowan, and Cumberland, to Campbelton, have neglected to perform the Services by the said Act required of them:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That so much of the before recited Act, as appoints John Polk, William Brooks, John Dunn, Michael Monroe, James Blythe, Archibald McAffey, and James Pickett, Commissioners, be, and is hereby repealed: And that William Moore, Matthew Rayford, Griffith Rutherford, Francis Locke, and Farquard Campbell, Esquires, be, and are hereby appointed Commissioners in their stead; who are hereby charged with the same Duties, vested with the same Powers and Authorities, and entitled to the same allowance, as the Commissioners appointed by the before recited Act were charged with, or entitled to; any Thing in the said Act to the Contrary notwithstanding.

CHAPTER XXII.

An Act for establishing a Town on the Land of Isaac Jones, lying on the North West Branch of Cape Fear River, in Bladen County.

I. Whereas it hath been represented to this Assembly, That the land of Isaac Jones, lying on the South West Side of the North West Branch of Cape Fear River, in Bladen County, is a healthy, pleasant Situation, well watered and Commodious for Commerce, and sundry Persons of Note are desirous that a Town should be erected thereon, for promoting the Trade and Navigation of the said River; and the said Isaac Jones having signified his free Consent Thereto, by a Certificate under his Hand and Seal, to have One Hundred Acres, of the said land laid off for a Town:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said One Hundred Acres of Land, when the same shall be laid off according to the Directions of this Act, be, and the same is hereby constituted, erected, and established a Town, and shall be called by the Name of Elizabeth Town.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, Walter Gibson, William Salter, James White, James Bailey, and Benjamin Humphrey, Esquires, be, and they, and every of them, are hereby constituted Directors and Trustees, for Designing, building, and carrying on said Town, and they shall stand seized of an indefeasible Estate in Fee of the said One Hundred Acres of Land, to and for the Uses, Intents, and Purposes, hereby expressed and declared; and they, or any Three of them, shall have full Power and Authority to meet as often as they shall think necessary, and to appoint a Public Quay at such Place on the said River for a Public Landing, as to them shall seem convenient and to lay out Three Acres of the said One Hundred for a Market Place, and other Public Buildings, and the Residue thereof into Lots, Streets, Lanes and Alleys, or so much of the same as will make at least One Hundred and Twenty Lots, of

Half an Acre each, and cause a Plan thereof to be made, and therein to insert a Mark and Number to each Lot; and as soon as the said Town shall be laid off as aforesaid, they, and each of them, shall have power to take Subscriptions for the said Lots of such Persons as are willing to subscribe for them; and when the said Directors have taken Subscriptions for Seventy Lots or Upwards, they shall appoint a Day, and give Public Notice to the Subscribers of the Day appointed for the drawing of the said Lots, which shall be done by Ballot, in a Fair and open Manner, by the Direction, and in the presence of the Majority of the said directors at least; and such Subscriber shall be entitled to the Lot or Lots which shall happen to be drawn for him, and correspond with the Mark or Number contained in the Plan for said Town; And the said Directors, or a Majority of them, shall make and execute Deeds for granting and conveying the said One Hundred and Twenty Lots to the Subscribers, their Heirs and Assigns, forever; and also to every other Person who shall purchase any other Lot or Lots in the said Town, at the proper Cost and Charges of the said Grantee, to whom the said Lot or Lots shall be conveyed; and every Person claiming any Lot or Lots by Virtue of any such Conveyance, shall and may hold and enjoy the same in Fee Simple.

IV. Provided nevertheless, That every Grantee of any Lot or Lots in the said Town so conveyed, shall within Three Years next after the Date of the Conveyance for the same, erect, Build, and Finish, on each Lot so conveyed, one well framed or Brick House, Sixteen Feet Square at the least, and Nine Feet Pitch in the Clear, or Proportionable to such Dimensions, if such Grantee shall have Two or more Lots contiguous; and if the Owner of any Lot or Lots shall fail to pursue or comply with the Directions in this Act prescribed for building and finishing a House thereon, then such Lot or Lots, upon which such House shall not be built and Finished as aforesaid, shall be revested in the said Directors; and the said Directors, or a Majority of them, may, and are hereby impowered and authorized, to sell such Lot or Lots for the best Price that can be had, to any Person applying for the same, and grant and convey such Lot or Lots to such Person or Persons, under the like Regulations and Restrictions, as the same was or were formerly granted; and the Money arising from such Sales to be applied by the said Directors, or a Majority of them, for the Benefit and Improvement of the said Town.

V. And be it further Enacted, by the Authority aforesaid, That each respective Subscriber, who shall subscribe for any Lot or Lots in the said Town, shall within One Month after it shall be ascertained to whom each of the said Lots doth belong, in Manner hereinbefore mentioned, pay and satisfy to the said Directors, or to One of them, the Sum of Forty Shillings, Proclamation Money, for each Lot by him subscribed for; and in Case of the Refusal or Neglect of any Subscriber to pay the Sum, the said Directors shall and may commence and prosecute a Suit in their own Names for the same, and therein shall recover Judgment, with Costs of Suit; And the said Directors shall, as soon as they receive the said Money, pay and satisfy the said Isaac Jones, his Heirs or Assigns, the Sum of Thirty Five Shillings, Proclamation Money, for each Lot, in full satisfaction for the said Land; and the other Five Shillings shall be applied towards defraying the Expence of laying off and improving the said Town, as a Majority of the Directors shall think Proper.

VI. Provided nevertheless, That the said Isaac Jones shall have and keep to his Own Use his Tan Yard, Mill and Bark Houses, with such Lots as he shall choose adjoining them, not exceeding Four Lots, exclusive of the said One Hundred Acres; and that nothing in this Act contained shall be con-

strued or extend to grant Power to, the said Directors, or their Successors, or any other Freeholder of the said Town, to keep a Public Ferry at the said Landing, so to be appointed by the said Directors, in Prejudice to the Ferry of the said Isaac Jones, now by Law established: And in Case it should hereafter be found necessary, to erect a Public or other Ferry at the said Landing, the Right of keeping the same shall remain to the said Isaac Jones, his Heirs or Assigns, until he or they shall refuse to comply with the Terms by Law prescribed for erecting and keeping Public Ferries.

VII. And for continuing the Succession of the Directors until the said Town shall be Incorporated, Be it further Enacted, by the Authority aforesaid, In Case of the Death or refusal to Act, or Removal out of the County of any of the said Directors, the Surviving or other Directors, or the Major Part of Them, shall assemble, and are hereby empowered, from Time to Time, by instrument in Writing under their respective Hands and Seals, to nominate some other Person, being a Freeholder of said Town, in the Place of him so dying, refusing to act, or removing out of the County; which new Director so nominated and appointed, shall from thenceforth have the like Power and Authority in all Things in the Matters herein contained, as if he had been expressly named and appointed in and by this Act.

VIII. And be it further Enacted, by the Authority aforesaid, That Thomas Owens, James White, William McRee, Walter Gibson, and William Salter, or the Majority of them, be, and they are hereby appointed Commissioners, and empowered and directed to agree and contract with Workmen for building a Court House, and finishing the Prison and Work house, on the Lot in the said Town allotted and laid off for the Public Buildings, for the Use of the said County of Bladen.

IX. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of One Shilling and Four Pence, Proclamation Money, be laid on each Taxable Person of the said County of Bladen, for Three Years, for building the said Court House, and finishing the Prison and Work House therein; which said Tax shall be collected by the Sheriff of the County, and paid to the said Commissioners, at such Times, and in the same Manner, as other Taxes are collected.

CHAPTER XXIII.

An Act to empower the Executors of John McKildo, late Sheriff of Tyrrell County, to collect the Arrears of Taxes due for the said County in the Years therein mentioned.

I. Whereas great Deficiencies have arisen in the Collection of the Taxes for the County of Tyrrell, for the Years One Thousand Seven Hundred and Sixty Five and One Thousand Seven Hundred and Sixty Six, whereby the Securities of the said John McKildo are become liable to the Payment of large Sums to the Public.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, Robert Lenox and Joseph Hewes, Executors of the said John McKildo, shall have full Power and Authority to receive and collect the Arrears of the Taxes due for the said County of Tyrrell, as it stood undivided at the Time when the said John McKildo was Sheriff, for the Years One Thousand Seven Hundred and Sixty Five and One Thousand Seven Hundred and Sixty Six, in the same Manner and Form as other Taxes are by Law to be collected.

III. And be it further Enacted, by the Authority aforesaid, That the said

Robert Lenox and Joseph Hewes do collect and receive such Arrears of Taxes, according to the List and Rates for each of the said Years respectively appointed.

IV. Provided nevertheless, That if any Person, against whom any Demand for such Arrears of Taxes shall be made, shall produce a Receipt or Receipts of his having paid the same, or in Case of the Loss or mislaying of such Receipt or Receipts, shall make Oath before any Justice of the Peace, within Ten Days after such Demand made, of his having paid and discharged the same, or Part thereof, or that he was not at that Time a Taxable in the said County, and obtain a Certificate of the same from such Justice, such Person shall be exonerated and Discharged from the said Demand, either in Part or Whole, as the Case may be.

V. And be it further Enacted, by the Authority aforesaid, That the said Collectors shall give One Month's Notice, by Publicly advertising the same at the Court House and Chapels of the said County, of the Time and Place they will attend to receive such Arrears of Taxes; and all Persons paying the same on or before the Time appointed by such Notice, shall not be liable to pay any Cost or Charge: And if any Person or Persons shall fail to pay such Arrears of Taxes agreeable to this Act, it shall and may be lawful for the said Collectors, or such Person or Persons as they may appoint, to make Distress for the same, in the same Manner as is by law appointed for Sheriffs to distrain in other Cases of the like Nature.

CHAPTER XXIV.

An Act for granting a Bounty on the Exportation of Pot and Pearl Ash.

I. Whereas pot and Pearl Ash may be made in this Province to great Advantage, and if duly encouraged would tend greatly to increase the Trade and Commerce of the Country: In Order therefore to encourage the First Adventures in this Valuable Commodity, who generally labor under many Difficulties;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That there shall be paid out of the Public Treasury of this Province to the Maker or Makers of Pot and Pearl Ash, the following Bounties, to-wit, For every Hundred Weight of Good, Merchantable Pot Ash, the Sum of Eight Shillings, Proclamation Money, and for every Hundred Weight of Good Merchantable Pearl Ash, the Sum of Fifteen Shillings, Proclamation Money, and so in Proportion for a greater or less Quantity: But previous to such Person or Persons being entitled to such Premium or Bounty, he, she, or they, shall produce to the Treasurer of the District in which such Pot or Pearl Ash was made, a Certificate upon Oath, signed by him, her, or them, and attested by some Lawful Magistrate of the County in which such Pot or Pearl Ash was made, ascertaining the Quantity and Quality of such Pot or Pearl Ash, the Place where the same was made, and by whom; and also a Certificate from the Naval Officer and Collector of the Port from whence such Pot or Pearl Ash shall have been shipped, certifying that the same therein mentioned had been duly exported, the Time when, and the Vessel's Name in which it was so shipped; and thereupon such Treasurer shall pay to the Maker or Makers of such Pot or Pearl Ash, or their Assigns, the aforesaid Bounties or Premiums, out of the Fund for Contingencies, and the same shall be allowed him in his Accounts.

III. And be it further Enacted, by the Authority aforesaid, That this Act

shall continue and be in Force for the Space of Three Years, from and after the Passing thereof and no longer.

CHAPTER XXV.

An Act to amend an Act, entitled, An Act for settling the Bounds of Lands.

I. Whereas the Method prescribed by the before recited Act for appointing Processioners hath not answered the Ends thereby intended, and it being doubtful whether Processioners appointed in Virtue of the said Act have a Right to act:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing hereof, The Justices of the several Inferior Courts within this Province may, and they are hereby impowered, to lay off and divide their respective Counties into as many different Districts as to them shall appear necessary, and to appoint Two or more able and intelligent Freeholders in each of the said Districts to procession the Land within the same, in the same Manner as in and by the before recited Act is directed; and in Case of neglect or refusal in the said Justices or Processioners, he or they so offending, shall be subject to the same Penalties as by the said Act is inflicted; any Thing therein contained to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That the Processioners aforesaid shall be allowed for their Trouble in the above Service the Sum of Two Shillings and Six Pence for every Tract of Land by them so processioned, to be paid by the Owner of the said Land.

CHAPTER XXVI.

An Act to amend an Act, entitled, An Act, for the Regulation of the Town of Hillsborough.

I. Whereas by an Act, entitled, an Act for the Regulation of the Town of Hillsborough, the Method of Working on, and repairing the Public Streets in the said Town, therein directed, hath been found inconvenient, and not to answer the purpose thereby intended: for Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Passing of this Act, the Commissioners of the said Town, or a Majority of them, shall, and they are hereby required, within Twenty Days after the First Tuesday in May, in every Year, to lay such Tax as they may judge necessary, not exceeding Ten Shillings, Proclamation Money, per Poll, on all the Taxable Persons in the said Town; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or a Majority of them, directed to any Person they shall appoint to collect the same, returnable at such Time as shall be therein mentioned: Which said Collector appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as the Sheriffs, or other Collectors of Public, County, or Parish Taxes, are impowered by Law; and the Money arising therefrom, after deducting Five per cent. Commissions, shall by him be paid into the Hands of the Commissioners, or a Majority of them, to be by them applied and laid out in clearing and repairing the Public Streets, Lanes, and Alleys, and in any other Public Work they may judge necessary for the Benefit of the said Town.

III. And be it further Enacted, by the Authority aforesaid, That the In-

habitants of the said Town shall, and they are hereby required to give in a List of all the Taxable Persons in each of their respective Families, on Oath, to some one of the Commissioners aforesaid, between the First and second Tuesdays in May in every Year, under the Penalty of Forty Shillings for every Neglect; to be recovered by Warrant, under the Hands and Seals of the Commissioners of the said Town, or the Majority of them, to be applied to the Public Stock of the said Town.

IV. And be it further Enacted, That all Persons residing Three Months in the said Town, next before the First Tuesday in May in every Year, shall afterwards be subject to pay Taxes in the said Town.

V. And be it further Enacted, by the Authority aforesaid, That no Person shall after the passing of this Act, be obliged to work on the Streets or other Public Places in the said Town, or to pay any other Town Tax but such as is hereinbefore mentioned.

VI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Three Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXVII.

An Act to amend an Act for appointing Commissioners to build a Prison, Pillory and Stocks, on the lot whereon the Court House now stands, in Duplin County.

I. Whereas the Trustees appointed in the before recited Act have not discharged the Trust reposed in them within the Time limited in the said Act:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Mr. Thomas Gray, Mr. Thomas Hix, Mr. William Dixon, Mr. Richard Clinton, and Mr. James Sampson, be, and they are hereby appointed Trustees in the Room and stead of those heretofore appointed; and they or the Majority of them, are hereby invested with the same Power and Authority, entitled to the same Privileges, and under the same Rules and Restrictions, as the Trustees by the before recited Act appointed.

III. And whereas by the said Act the Trustees were impowered to demand and receive from the Sheriff of the County a Sum of Money, not exceeding One Hundred and Twenty Pounds, to be by them applied to the Discharge of their Contracts for the Building and finishing the same; Part of which Money hath been by them received from the Sheriff, and remains in their Hands unappropriated; Be it Enacted, by the Authority aforesaid, That the Trustees by this Act appointed, or the Majority of them shall be, and they are hereby invested with Full Power and Authority, to receive into their Hands for the Purpose aforesaid, all Monies heretofore received by the Trustees, or any of them, from the Sheriff of the said County, in Virtue of the said Act, and also all Monies in the Hands of the said Sheriff unappropriated; and in Case of Refusal or Neglect, to proceed against such Trustees and Sheriff by Motion, in the Superior Court for the District; provided that Ten Days previous Notice of such Motion shall be given to the said Trustees, or Sheriff, as the Case may be.

IV. And be it further Enacted, by the Authority aforesaid, That in Case there shall not be a Sufficient Sum of Money remaining in the Hands of the said Trustees and Sheriff, that then it shall and may be lawful for the Court of the said County, and they are hereby directed and required, to lay such

a Tax on the Taxable Persons in the said County, as shall be sufficient to answer the Purposes aforesaid; which said Tax shall be collected, accounted for, and paid by the Sheriff of the said County, to the Trustees herein named, in the same Manner, and under the same Rules and Restrictions, and subject to the same Method of Recovery, as by this Act is directed to be had in other Cases.

CHAPTER XXVIII.

An Act to continue an Act for the more Speedy Recovery of all Debts and Demands Under Five Pounds, Proclamation Money, within this Province.

I. Whereas an Act, entitled, An Act for the more speedy Recovery of all Debts and Demands under Five Pounds, Proclamation Money, within this Province will expire at the End of the present Session of Assembly; and the same being found Useful and convenient:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the before recited Act shall continue and be in Force during the Term of Six Months, from and after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXIX.

An Act for the relief of Persons who have, or may suffer, by their Deeds and Mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.

I. Whereas many Persons, through ignorance of the Law, have neglected to have their Deeds and Mesne Conveyance proved and registered according to the Directions of the Several Acts of Assembly in such Case made and Provided: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged, or proved, shall and may, within Two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by One or more of the Subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated: And All Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, though not within Two Years after the Date of the respective Conveyances, shall be Good and Valid in Law, and shall enure and take Effect as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved and registered agreeable to the directions of any Act of Assembly heretofore Made.

CHAPTER XXX.

An Act for repairing the Gaol for the District of Halifax, in the Town of Halifax.

I. Whereas the Public Gaol for the District of Halifax, in the Town of Halifax, for want of due Repairing, is greatly decayed, and very insufficient for confining Criminals and Debtors therein:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Montfort Eelbeck, John Bradford, Egbert Haywood, Solomon Williams, Benjamin McCulloch, Allen Jones, William Person, and William Clark be, and they are hereby appointed Commissioners; and they or a Majority of them, shall and may, and are hereby required, within Three Months after the passing of this Act, to agree and contract with Workmen to repair the same in the best and most substantial Manner, as to them, or a Majority of them, shall seem proper.

III. And be it Enacted, by the Authority aforesaid, That a Poll Tax of One Shilling shall be levied on each Taxable Person in the County of Halifax, and a Poll Tax of Six Pence on each Taxable Person in the Counties of Northampton, Edgecomb, and Bute, for One Year, that is to say, the Year One Thousand Seven Hundred and Seventy Three, to be collected and accounted for, and paid by the Sheriffs of the said Counties respectively, in the same Manner, and at the same Times, as Public Taxes are by Law directed to be collected and accounted for; and upon Failure of accounting for and paying the same to the Commissioners, the said Sheriffs shall be subject to the same Manner of Recovery, and under the same Pains and Penalties, as Sheriffs are for not accounting for and paying Public Money; which said Tax so collected, shall be paid to the Commissioners aforesaid, or a Majority of them, and by them shall be applied towards defraying the Expence, and paying the Workmen for repairing the said Gaol.

IV. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them, after the repairs of the said Gaol shall be made, shall render an Account of the Monies by them received by Virtue of this Act, together with their Disbursements, to each Inferior Court in the District of Halifax; and the overplus, if any, shall be applied, towards the Contingent Charges of the said Counties.

CHAPTER XXXI.

An Act to continue the Tax imposed by an Act, entitled, An Act for building a Court House in the Town of Salisbury, for the District of Salisbury.

I. Whereas the Tax imposed by the before recited Act hath been found insufficient to answer the Ends thereby intended:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Tax be continued on, and collected from the several Taxable Persons in the Counties therein Mentioned, for the Year One Thousand Seven Hundred and Seventy Four, and no longer; any Thing therein contained to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That an Additional Tax of Four Pence be collected from the several Taxable Persons within the County of Rowan for the Year aforesaid.

CHAPTER XXXII.

An Act to dissolve the Vestry of Unity Parish, in Guilford County.

I. Whereas by an Act of Assembly passed in New Bern, in the Year of Our Lord One Thousand Seven Hundred and Seventy One, the Freeholders within the several Parishes therein mentioned were impowered to elect Vestries for their respective Parishes; and whereas undue Measures were made Use of in the late Election of Vestrymen in the Parish of Unity, in Guilford County.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said Vestry of Unity Parish be hereby dissolved and set aside, as if never elected; and that any Tax that is laid by the Vestry aforesaid on the Taxable Persons of the said Parish, shall not be Chargeable upon the said Taxables, or be demanded, taken, or collected by the Sheriff, or any other Person whatsoever.

CHAPTER XXXIII.

An Act for erecting a Public Gaol, and Gaoler's House, in the Town of Wilmington, for the District of Wilmington.

I. Whereas no Public Gaol hath been heretofore erected by Law for the District of Wilmington, and it being necessary that a Public Gaol, and Gaoler's House, should be erected in the Town of Wilmington, for the said District:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Cornelius Harnett, John Ancrum, and Robert Hogg, Esquires, be, and are hereby appointed Trustees, for designing Contracting, building, and finishing a Good and sufficient Gaol, and Gaoler's House, of Good Brick or Stone, at some Convenient Place in the said Town, as to them, or the Majority of them, or their Survivors, shall seem most Proper; which said Gaol and Gaoler's House, when so erected, shall be, continue and remain the Public Gaol, and Gaoler's House, of the several Counties within the District of Wilmington aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That there shall be levied on each and every taxable Person within the several Counties in the said District, annually, for the Term of Two Years next after the passing of this Act, the respective Sums of Money following to-wit: On each Taxable Person in the County of New Hanover, the Sum of Two Shillings, Proclamation Money; and on each Taxable Person in the Counties of Onslow, Bladen, Duplin, Cumberland, and Brunswick, the Sum of One Shilling, like Money; which said Taxes shall by the Sheriffs of the several and respective Counties aforesaid, for the Time being, be collected, at the same Times in the same Manner, and under the same Penalties for Non-Payment thereof, as is directed by Law for collecting other Public Taxes: And the Money arising therefrom shall be accounted for and paid by the said several Sheriffs to the Trustees, or the Majority of them, or their survivors, as aforesaid, and shall by them be applied towards discharging the Contract they shall have entered into for erecting the said Buildings.

IV. And be it further Enacted, by the Authority aforesaid, That if any Sheriff who shall be chargeable with any of the Taxes by this Act assessed, shall neglect to account for, and pay to the Trustees aforesaid, or the Majority of them, or their Survivors, such Sums as he shall be chargeable with in Virtue of this Act, after deducting the usual Commissions for col-

lecting, and such Insolvents as shall be allowed for by the Court of his County, the said Trustees, or the Majority of them or their Survivors, shall have the same Method of proceeding against such Sheriff, by Motion, as is by Law directed against Sheriffs for not accounting for other Public Money by them received.

V. And be it further Enacted, by the Authority aforesaid, That the Trustees aforesaid, or the Majority of them, or their Survivors, shall with all convenient Speed proceed to cause the said Buildings to be erected and finished, and shall immediately thereafter lay an Account of their proceedings herein upon Oath, of all Monies they shall receive and Pay on Account of the said Buildings, before the General Assembly; and the Surplusage of the said tax, if any, shall by them be paid to the Justices of the said several Counties, in Proportion to the Number of Taxables in said Counties respectively, to be applied towards the Contingent Charges of the said Counties.

VI. And be it further Enacted, by the Authority aforesaid, That the Lot of Ground in the Town of Wilmington whereon the County Gaol now stands, together with all the Buildings thereon, are hereby vested in the aforesaid Trustees, or the Majority of them, or their Survivors, to be by them sold at Public Vendue, if they shall judge it necessary, who are hereby empowered to make a Good and Sufficient title to the Purchaser or Purchasers for the same; and the Monies arising therefrom, to be by them applied towards purchasing another Lot or Lots in the said Town, for erecting thereon a Public Gaol for the District aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That after the said Gaol shall be finished, it shall and may be lawful for the Magistrates, or either of them, within the said District, before whom any Offender shall be examined, if he or they think it necessary, to commit such Offender to the aforesaid Gaol: And the Sheriff of the County for the Time Being where such Offender shall be apprehended, is hereby authorized and required to convey such Offender to the said Gaol, and deliver him or them to the Sheriff or Keeper thereof and take a Receipt of such Sheriff or Keeper which shall be his Discharge for such Offender.

VIII. And be it further Enacted, by the Authority aforesaid, That after the said Buildings shall be finished, the Sheriff of the County of New Hanover, for the Time Being, is hereby directed and required to employ some Person of Integrity to be Keeper of the said Gaol; who shall constantly reside in the said Gaoler's House, and take all Lawful Ways and Means for preventing the Escape of Prisoners.

CHAPTER XXXIV.

An Additional Act to an Act for erecting a Court House and Prison for the Use of the District of Edenton.

I. Whereas the several Funds appropriated by the before recited Act, have been found inadequate to the Purposes thereby intended.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That a Poll Tax of Two Shillings be levied on each Taxable Person within the County of Chowan, and of Eight Pence on each taxable Person within the Counties of Currituck, Pasquotank, Perquimans, Bertie, Tyrrell, and Hertford, to be collected for this and the Two next succeeding Years, by the Sheriff of the said Counties respectively, and

accounted for and paid to the Trustees and Directors mentioned in the before recited Act, or to the Survivors of them, at the same Time, in the same Manner; and under the like Penalties, as by Law is directed for collecting, accounting for and paying Public Taxes.

III. And be it further Enacted, by the Authority aforesaid, That the said Trustees and Directors shall apply all such Monies as shall come to their Hands in Virtue of this Act, to the Purposes directed in the before recited Act; and shall enter into Bond, in the sum of Two Thousand Pounds, Payable to his Excellency the Governor, and to his Successors, with Condition for the faithful Discharge, of the Trust in them reposed by this Act; and that they will from Time to Time, and at all times when they shall be called upon, lay a just State of their Transactions before the Assembly, or such Committee as shall be appointed to settle and adjust the Public Accounts; which Bond shall be lodged with the Clerk of the Superior Court for the District of Edenton.

IV. And be it further Enacted, by the Authority aforesaid, That if the Tax arising in Virtue of this Act should be more than Sufficient to compleat the Buildings as mentioned in the before recited Act, the Surplus thereof shall by the Trustees and Directors be paid to the Court of each County, in Proportion to the Sum collected from each of the said Counties, and paid by the Sheriff to the said Trustees and Directors.

V. And be it further Enacted, by the Authority aforesaid, That the said Gaol when finished, shall be deemed the proper Prison for the Commitment and Confinement of all Traitors, Felons, and other notorious Criminals, who shall be apprehended in any of the Counties constituting the said District; and the Sheriff, Coroner, or other Officer, who shall have such Criminal in Custody, shall have full Power and Authority to convey him to the said Gaol and deliver him to the Sheriff of Chowan County, or to the Keeper of the said Gaol, with the Mittimus, or Paper containing the Cause of such Commitment; which Sheriff or Keeper of the said Gaol, is hereby commanded and required to receive into the said Gaol, all such Prisoners delivered to him as aforesaid, and shall give to such Sheriff, Coroner, or other Officer, from whom he shall receive such Prisoner, a Receipt, acknowledging that he has received into his Custody such Prisoner and Mittimus, or Paper containing and setting forth the Cause of the Commitment; and shall retain all Persons committed in Virtue of this Act in close Gaol, until they shall be released by due Course of Law.

Read three times, and ratified in open Assembly, the sixth Day of March, A. D., 1773.

JOSIAH MARTIN, ESQUIRE, Governor.

James Hasell, President.

JOHN HARVEY, Speaker.

LAWS OF NORTH CAROLINA, 1774.

At an Assembly, began and held at New Bern, the Second Day of March, in the Fourteenth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Seventy-four; being the Second Session of this Assembly.—*Josiah Martin, Esq.*, Governor.

CHAPTER I.

An Act for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, and for regulating the Proceedings therein.

I. Whereas the establishment of Inferior Courts for the trial of causes and punishing offenders under proper limitations and restrictions would be of great utility in the several counties within this Province.

II. Be it therefore Enacted by the Governor, Council and Assembly and by the authority of the same, that within every County within this Province a Court, quarterly in every year, shall be held by the Justices thereof, at the several respective places already assigned for that purpose, or at such place or places as shall be hereafter lawfully appointed, on the Days hereinafter limited for each County respectively; which Courts shall be called Inferior Courts of Pleas and Quarter Sessions and taken and held to be Courts of Record.

III. And be it further enacted by the authority aforesaid, that every person nominated and appointed a Justice of any Inferior Court, before his entering upon and executing the said office shall publicly, in the Court House of his County on a Court day, take the oaths by law appointed, or which shall be appointed to be taken for the qualification of public officers, repeat and subscribe the Test, and shall also take the following oath, to-wit:

I, A. B. do swear that as a Justice of the Peace in the County of _____ in all articles in the Commission to me directed I will do equal right and justice to the poor and to the rich after my Cunning, Wit and Power, and according to Law, and I will not be of counsel in any quarrel hanging before me. I will not let for gift or other cause, but well and truly I will do my office of a Justice of the Peace, as well within the Inferior Court of Pleas and Quarter Sessions of the said County, as without, and I will not take any fee, gift or gratuity for anything to be done by virtue of my office, and I will not direct or cause to be directed any warrant by me to be made to the parties, but I will direct them to the Sheriff or Constable of the County or other the King's officers or ministers, or other indifferent person to do execution thereof. So help me God.

IV. And if any person whatsoever shall presume to execute the office of a Justice of any Inferior Court without first qualifying himself agreeable to the directions of this Act he shall forfeit One Hundred Pounds to be recovered with costs by action of Debt in the Superior Court of Justice, one half to the use of his Majesty, his Heirs and Successors towards defraying the Charges of Government, the other half to the Informer.

V. And be it further enacted by the authority aforesaid, that the said

Inferior Court of Pleas and Quarter Sessions, shall be constantly held upon the days hereinafter specified for every county respectively, that is to say for the Counties of Dobbs and New Hanover on the first Tuesdays in January, April, July and October; Martin, Onslow, and Anson on the second Tuesdays in January, April, July and October; Perquimans on the third Monday in January, April, July and October; Edgecombe, Duplin and Mecklenburg on the third Tuesdays in January, April, July and October; Cumberland, Pitt and Tryon on the fourth Tuesdays in January, April, July and October; Granville, Bladen and Rowan on the first Tuesdays in February, May, August and November; Chatham, Surry, Bute and Bertie on the second Tuesdays in February, May, August and November; Guilford, Halifax and Tyrrell on the third Tuesdays in February, May, August and November; Hertford and Orange the fourth Tuesday in February, May, August and November; Johnston the last Tuesday in February, May, August and November; Northampton, Wake, Hyde and Currituck the first Tuesdays in March, June, September, and December; Craven and Pasquotank the second Tuesday in March, June, September and December; Carteret, Chowan, Beaufort and Brunswick the third Tuesday in March, June, September and December; and every adjournment shall be to the next succeeding Court in course and not otherwise.

VI. Provided nevertheless that if the business of any of the said Courts cannot be determined on the Court day the Justices may adjourn from day to day not exceeding five days, at the end of which time if the causes and matters depending before them shall not be finally determined or otherwise continued in the manner hereinafter directed the same shall be continued to the next succeeding Court.

VII. Provided also, that if through sickness or other inability, badness of weather or other accident it shall so happen that a sufficient number of justices shall not meet for holding the said Courts on the days hereinbefore appointed in such case it shall and may be lawful for any one Justice to adjourn the Court whereof he shall be a member from day to day not exceeding three days until a sufficient number of Justices can attend to hold Court.

VIII. And be it further enacted, by the authority aforesaid, that none of the said Courts or process in any of them depending shall be discontinued for or by reason of the Justices failing to hold Court upon the day by law appointed, or of any alteration of any of the said days appointed for holding the said Court, but in every such case all such process, matters and things depending shall stand continued and all appearances upon return of process shall be made to the next succeeding court in course in the same manner as if such succeeding court had been the same court to which such process stood continued or such returns or appearances had been made; and all recognizances, Bonds and obligations for appearances and all returns shall be of the the same force and validity for the appearance of any person or persons at such succeeding court, and all summons for witnesses as effectual as if the next succeeding court had been expressly mentioned therein.

IX. And be it further enacted by the authority aforesaid, that the Justices of the said Inferior Courts of Pleas and Quarter Sessions or any three of them shall and may take cognizance of, and are hereby declared to have full power, authority and jurisdiction to hear and determine all causes whatsoever at the Common Law within their respective counties where the Debt, Damage or cause of action is above Five Pounds Proclamation Money and shall not exceed the sum of Twenty Pounds like money (Action of Trespass in Ejectment, Formedon in descender, Remainder and Reverter, Perjury and Felony and such criminal causes where the judgment upon

conviction shall be for the loss of life or member excepted) all Petit Larcenies, Assaults, Batteries, and Trespasses, other than such trespasses where the title of the Freehold may come in question, Breaches of the Peace and other misdemeanors of what kind soever of an inferior nature, and all Filial portions and Legacies and distributions of Intestates Estates and other matters thereto relating for any sum or sums not exceeding Twenty Pounds Proclamation Money; and the said Justices of the Peace and every of them at all times during their continuance in that office as well within their Inferior Courts of Pleas and Quarter Sessions as without shall have full power and authority as amply and as fully to all Intents and purposes as the Justices of the Peace in the Counties of England to preserve, maintain and keep the peace within their respective counties.

X. And be it further enacted by the authority aforesaid, that the said Inferior Courts respectively shall and may by summons or other legal process upon application to them made compel any person or persons whatsoever having in their possession any Will or Testament of any deceased person to exhibit the same to the Court in order to a legal probate thereof, and also to receive the probate of wills and order the same to be recorded, and make orders for issuing Letters Testamentary and of Administration.

XI. Provided always, that any person who claims a right to execute any will or to administer the Estate of any Intestate, who shall think himself injured by such order, may enter a caveat in the Court wherein such order shall be made against the person obtaining the same, and the Secretary and his Deputy shall forbear to Seal and Countersign Letters Testamentary or of administration till the matter in Controversy shall be reheard and determined before the Governor or Commander in Chief for the time being and Council.

XII. And be it further enacted by the authority aforesaid, that any Person admitted Clerk of any Inferior Court within this Province before he enters upon the execution of his said office, shall give bonds to the Justices of their respective Courts with two sufficient securities in the penalty of one thousand pounds for the safe keeping of the Records, and the faithful discharge of his duty in his said office, which said Bond shall be recorded and lodged in the Secretary's office and in case of a breach in the condition thereof may be put in suit for the benefit of, and at the proper cost and charges of the party or parties injured, and shall not become void upon the first recovery or if judgment be given against the said justices, but may from time to time be put in suit by action of Debt on Scire Facias, until the whole penalty shall be recovered; and when any judgment shall be obtained upon such bond the Damages assessed shall by order of the court be paid to the person or persons injured. And shall also take the oaths by Law appointed for the Qualification of Public Officers, repeat and subscribe the Test, and also take the following oath towit:

I, A. B., do swear that I will well and truly execute the office of Clerk of the Inferior Court of Pleas and Quarter Sessions for the County of _____ according to the best of my skill and ability. So help me God.

XIII. And for the better preservation of Wills, Be it enacted by the authority aforesaid, that all original Wills shall remain in the Clerk's office among the records of the respective Counties where they shall be proved, whereunto any person may have recourse as to the other Records.

XIV. And be it further enacted by the authority aforesaid, that the Clerk of every Inferior Court in the month of October annually shall return into the Secretary's office a list of all certificates for obtaining probates, or administration granted by their respective Courts from time to time, con-

taining the names of the testators or intestates, their Executors or Administrators, and the names of the Securities, which lists the Secretary is hereby required to cause to be recorded in his office alphabetically in Books for that purpose, and shall and may take and receive two shillings and eight pence for every such order therein mentioned.

XV. And be it further enacted by the authority aforesaid, that the Attorney General is hereby authorized and required to appoint a Deputy in each county within this Province which said Deputy shall and may prosecute all matters cognizable in the Inferior Court of Pleas and Quarter Sessions for and in behalf of his Majesty, and shall take and receive thirteen shillings and four pence Proclamation money on each and every Bill of Indictment found or presentment made in the said Court in which he or his Deputy shall be.

XVI. And be it further enacted by the authority aforesaid, that the said Inferior Court of Pleas and Quarter Sessions respectively shall, and they are hereby authorized and empowered annually between the first day of May and the first day of November to assess and lay such a tax on the taxable persons in their respective Counties as shall be sufficient to defray the contingent charges of the same, which tax shall be collected by the Sheriff and paid and accounted for in the same manner as Public or Parish taxes are, or shall be by Law directed, and by him accounted for and paid to the Court of their order: And all Debts or Demands of five pounds proclamation money or under are hereby declared to be cognizable and determinable by any one Justice of the Peace, who may give judgment and thereupon award execution against the Body, Goods or Chattels of the Debtor or party against whom such judgment shall be given, which shall be executed and returned by the Sheriff or Constable to whom directed in the same manner as other Writs of Fieri Facias, or Capias ad satisfaciendum, are to be executed and returned.

XVII. Provided nevertheless, that if either of the parties shall be dissatisfied with the judgment given by such justice, he may appeal to the next Inferior Court of Pleas and Quarter Sessions, first giving security for prosecuting such appeal with effect, which cause shall be tried and finally determined the same Court, in a summary manner, without any further process, and judgment shall thereupon be given, and the party cast shall pay the cost of all proceedings had thereon, to be taxed by the Court. Provided also, that the Justice before whom such suit was first heard and determined, shall not sit in Court or give judgment on the trial of such appeal.

XVIII. And be it further enacted by the authority aforesaid, that the party or parties against whom such judgment shall be granted where the sum is above forty shillings may be allowed upon giving sufficient security a stay of execution for any term of time not exceeding two months, which security in like manner as the principal shall be liable to the execution of the plaintiff if not discharged at the expiration of the term.

XIX. And be it further enacted by the authority aforesaid, that every Sheriff, Deputy Sheriff, Constable or any other person who for want of such has been particularly appointed shall be allowed two shillings and eight pence for executing every warrant, attachment or execution and one shilling for every subpoena for witnesses, and so in proportion for every person against whom such warrant, execution or subpoena is directed, where the service is actually performed.

XX. And whereas original and judicial attachments are essentially necessary to the commercial interest of this Province, Be it therefore enacted by the authority aforesaid, that when any original or judicial attachment shall be hereafter prosecuted in any Inferior Court of this Province they

shall be governed by the Rules, and be under the same restrictions as may hereafter govern that proceeding in the Superior Courts existing at the time of such attachment issuing.

XXI. And be it further enacted by the authority aforesaid, that the proceedings to be had upon attachments before any justice of the Peace shall be under the same Rules and subject to the same Regulations as are by this Law directed to govern that process in the Inferior Courts of this Province due respect being had to the jurisdiction of such Court.

XXII. And be it further enacted by the authority aforesaid, that all original process by writ, summons, petition or by any other manner or means, and all subsequent process thereupon, to bring any person or persons to answer to any Action, Suit, Bill, Information or plaint in any Inferior Court of Pleas and Quarter Sessions, except subpoenas to summon evidences which may be made returnable immediately, shall be issued and bear Test by the Clerk of every Inferior Court of Pleas and Quarter Sessions respectively, and shall be returnable on the first day of the sitting of the Court, and shall be executed at least five days before the return thereof; and if any person issues any writ or process whilst such Court is sitting, or within five days before the beginning of the Court such Writ or Process shall be returnable to the Court next after that then sitting or beginning to sit within five days as aforesaid and not otherwise; and all Writs and Process issued, made returnable or executed in any other manner or at any other time than is hereinbefore directed may be abated upon the plea of the defendant.

XXIII. Provided always that nothing herein contained shall extend or be construed to invalidate or vacate any Writ, Process, Warrant, or Precept issued by any Justice of the Inferior Court of Pleas and Quarter Sessions on any Criminal Prosecution, or in His Majesty's behalf, but the same may be returnable on any day within the sitting of the Court, and the proceedings in all Criminal Cases shall be had according to the Laws and Statutes of Great Britain and this Province anything herein contained to the contrary notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, that when any Writ or Process shall issue to take the Body of any Person or Persons to answer unto any Plaintiff in any civil action, in any Inferior Court of Pleas and Quarter Sessions, the Sheriff shall return therewith a Bond with two sufficient securities for double the sum for which the person shall be held in arrest (Executors, Administrators and persons sued on Penal Statutes excepted) to the Clerk on or before the first day of every Court, and if the Sheriff shall not return Bail, or the Bail so returned shall be found insufficient, upon exception taken thereto, and entry thereof made on the docket of the Court to which such Writ or Process shall be returnable, then and in such case the Sheriff shall be taken and stand Bail for the defendant, and the Plaintiff may proceed in his suit for judgment, according to the rules hereafter mentioned, and on judgment or Recovery may take out execution against the Defendant or Sheriff or both, any Law, Usage or Custom to the contrary notwithstanding.

XXV. Provided always that if the defendant puts in Bail before time to plead given him by the rules hereafter mentioned is expired, then the Sheriff shall be discharged.

XXVI. Provided also, that the Sheriff may surrender the defendant in discharge of himself at any time before final judgment obtained against the defendant.

XXVII. And be it further enacted by the authority aforesaid, that where any judgment or decree shall be obtained in any Inferior Court of Pleas and

Quarter Sessions, for any Debt, Damages, Portion or Legacy, or Proportion, of Intestate's Estate, and the person against whom any such decree shall be obtained shall remove him or herself and effects, or shall reside out of the limits of the jurisdiction of such court, it shall be lawful for the Clerk of the Court where judgment was given or Decree made, at the request of the party for whom the same was rendered to issue a Writ of Fieri Facias, Capias ad Satisfaciendum or other process, under the Test hereinbefore prescribed, and to direct the same to the Sheriff or other officer of any County in this Province where the Defendant or Debtor or his Goods shall be found, which said Sheriff or other officer to whom the same shall be directed, is hereby impowered and required to serve and execute the same, and shall make return thereof to the Court where the judgment or decree was given, in the same manner as if such process had issued from the Superior Court of Justice.

XXVIII. And for the better ascertaining what process may be issued where the Sheriff shall return that the defendant is not to be found in his Bailiwick, It is hereby enacted that when any Sheriff shall make such return the Plaintiff or Plaintiffs in any civil action may sue out an alias or pluries capias until such defendant be arrested at the election of the plaintiff or plaintiffs, and if the Sheriff shall return such Process executed the Plaintiff shall file his Declaration according to the Rules of the Court and be entitled to a judgment.

XXIX. And for the regular prosecution and determination of suits, entering up judgment and preservation of the Records, Be it enacted by the authority aforesaid, That the following Rules and methods shall be observed, to-wit:

1. That the Plaintiff in every suit shall file his Declaration on the first day of the Court or first calling of the Cause in Court, and at the same time serve the Defendant or his attorney with a copy thereof if required.

2. That if the Plaintiff shall fail to file his declaration or appear and prosecute his suit, the Defendant may enter a Nol Pros.

3. That the Defendant shall enter his appearance and file his Plea in writing whether General or Special the first Court and if he fails so to do the plaintiff shall have judgment, which in actions of Debt shall be final except where damages are to be suggested on the Roll, in which case and in all others where the Plaintiff shall recover in Damages, a Writ of enquiry shall be executed the next Court.

4. That the Defendant may plead as many several matters as he shall think necessary for his defense so that he be not admitted to plead and Demur to the whole.

5. That all issues whether General or Special shall be heard and tried the next succeeding Court unless a sufficient cause is shown to such Court why such cause should be continued.

6. That all causes at issue ready for trial be first heard and tried.

7. That every motion and arrest of judgment shall be argued the last day of the same Court the issue is tried, the defendant's attorney first serving the plaintiff's attorney with a copy of the reasons in Arrest and Judgment, unless upon sufficient reasons shown and approved of by the Court further time shall be allowed.

8. That when any special verdict shall be found, for Demurrer to Evidence at the motion of either party, time shall be allowed to the next succeeding Court for hearing.

9. That the Clerk of every Inferior Court of Pleas and Quarter Sessions when any cause is finally determined shall enter all Pleadings

and other matters relating thereto in a book kept for that purpose, that an entire and perfect Record may be made up.

XXX. And for prevention of delay and vexation by dilatory Pleas, Be it further enacted by the authority aforesaid, that no Plea in Abatement shall be received in any action or suit unless the truth thereof be sufficiently shown to the Court by affidavit or otherwise, and in all actions where the Declaration shall plainly set forth sufficient matter of substance for the Court to proceed upon the merits of the cause, the suit shall not abate for want of form; and that when any Plea in Abatement shall be pleaded in any action and upon argument thereof the same shall be judged insufficient, the plaintiff or plaintiffs in such action shall recover against the Defendant or Defendants full costs to the time of overruling such Plea, including the Costs of that Court, a lawyer's fee only excepted.

XXXI. And for granting appeals from the Inferior Courts of Pleas and Quarter Sessions to the Courts appointed for hearing and determining Writs of Error and appeals from the Inferior Courts, and for obtaining Writs of Error to the said Courts Be it further enacted by the authority aforesaid, that when any person or persons either plaintiff or defendant shall be dissatisfied with the judgment sentence or decree of any Inferior Court, where the sum exceeds Five Pounds, he may pray an appeal from the Judgment sentence or decree of such Court, to the next Court for hearing and determining appeals and Writs of Error, that may be held for the district wherein such Inferior Court of Pleas and Quarter Sessions is held, but before obtaining the same shall enter into Bond with two sufficient securities for prosecuting the same, and performing the Judgment Sentence or Decree that the Court for hearing and determining Appeals and Writs of Error, shall enter or make thereon in case such appellant shall be cast.

XXXII. Provided nevertheless, that no appeal shall be granted to any Defendant where the Recovery against does not exceed Five Pounds Proclamation money, nor until such Defendant shall pay down in Court the full amount of the recovery and Costs to be lodged with the Clerk of the said Court to wait the event of the determination of such appeal.

XXXIII. And because it may happen that in issuing Process carrying on the Proceedings and rendering Judgments in the said Inferior Courts of Pleas and Quarter Sessions there may be error to reverse Judgments, Be it enacted by the authority aforesaid that where any defendant is desirous to prosecute a Writ of Error, he shall move the Inferior Court of Pleas and Quarter Sessions where such suit is depending to allow a Writ of Error, he first entering into Bond as aforesaid mentioned and the Court is hereby Impowered and required to allow thereof as if such Writ of Error was then and there produced.

XXXIV. And for carrying on and prosecuting such Appeals and Writs of Error, Be it enacted by the authority aforesaid, that the following rules and methods of practice shall be observed, to-wit: That when any Person either Plaintiff or Defendant conceives he is injured by the Judgment Sentence or Decree of any Inferior Court, and shall have appealed to the Court for hearing and determining Appeals and Writs of Error in manner above directed a Transcript of the Proceedings of the Inferior Court shall be filed with the Clerk of the Court for hearing and determining Appeals and Writs of Error, fifteen days before the sitting of the Court, and if the Trial in the Inferior Court was of and issued to the County, a Trial de novo, shall be had, and if on a hearing on a Petition for a filial portion or legacy or distribution of an Intestates Estate or other matter thereto relating a rehearing at the said Court without notice given by either party, and if such Transcript of

the Proceedings is not filed within the time aforesaid with the Clerk of the Court for hearing and determining Appeals and Writs of Error, or if the Appellant shall fail to appear and prosecute his Appeal, then the Judgment Sentence or Decree of the Inferior Court shall be affirmed, and the Appellant shall be adjudged to pay double Costs; Provided that there shall be thirty days between the day of Trial or hearing in the Inferior Court and the next Court for hearing and determining Appeals and Writs of Error, but when it so happens that there are not thirty days between such Trial or hearing and the Court for hearing and determining Appeals and Writs of Error, such Appeal shall be continued and a Transcript of the Proceedings transmitted to the Court for hearing and determining Appeals and Writs of Error, next after; and where any Defendant will prosecute a Writ of Error he may move the Inferior Court where the Trial is had and enter into Bond with security as before mentioned, whereupon a Transcript of the Proceedings shall be filed with the Clerk of the Court for hearing and determining Appeals and Writs of Error, fifteen days before the Court, and the party prosecuting such Writ of Error shall assign and file Error the first four days of the Court and in case such Defendant shall neglect to file such Writ and assign Error as aforesaid, or shall fail to appear and prosecute the same, then the Judgment of the Inferior Court shall be affirmed, and the Plaintiff in Error shall be adjudged to pay double Costs; Provided that there shall be thirty days between such motion for obtaining a Writ of Error and the time of holding the Court for hearing and determining Appeals and Writs of Error.

XXXV. And be it further enacted by the authority aforesaid, that in every Inferior Court within this Province, when an Appeal shall be granted or Writ of Error allowed the Clerk of such Court shall immediately make up a full and perfect Record of all the proceedings in such Cause, and shall within ten days after the adjournment of the Court give an attested Copy of such Record with a Taxation of all the Costs accrued, to the Person appealing, or to whom the Writ of Error is allowed, if required, and every Clerk neglecting to do the same, shall forfeit and pay to the person entitled to such attested Copy, the sum of Five Pounds Proclamation Money to be recovered by action of Debt in any court of Record, and the said Clerk shall also be further liable to an action on the Case for all such damages as such Person shall sustain for want thereof.

XXXVI. And for the better discovery of the Truth in any matter whatsoever before the Inferior Courts, Be it enacted by the Authority aforesaid, that the Clerk of every such Court may and he is hereby authorized and required upon the request of either Party to issue one or more summons or summonses for any Person or Persons to attend as a Witness or Witnesses in any Cause depending upon them, directed to the Sheriff or other officer of the County where such Witness or Witnesses do live or usually reside who is hereby impowered and required to serve such summons or summonses, and the Witness or Witnesses thereby summoned shall appear according to the Tenor thereof, and every Person or Persons so summoned and attending shall have and receive the sum of three shillings for every day he shall attend and three half pence for every mile he shall travel in coming to, and returning from such Court, with an allowance for ferriages; And if any person summoned to attend as aforesaid shall fail to appear accordingly every such person so failing shall forfeit to the person or Persons at whose instance the Subpoena was issued Ten Pounds Proclamation Money, and shall be further liable to the action of the party endamaged for want of such witnesses Testimony, who shall recover his full Damages and Costs, unless

such Person show sufficient cause at the next Court to be approved, of his or her incapacity to attend.

XXXVII. And be it further enacted by the authority aforesaid, that during the attendance of any Person summoned as a Witness in any of the said Courts and as such Person is going and returning from the place of such attendance, allowing one day for every twenty-five miles such Person's residence shall be distant from the same, no Sheriff or other officer shall serve or execute on any Person so attending, going to, or returning from such Court any Writ, Process, Warrant, Order, Judgment or Decree in any Cause, and if any such shall be served or executed, the same shall, and is hereby declared null and void. And when any Witness is aged, infirm, or otherwise incapable of attending the Court, or resides out of the County, such Court upon motion of either Party, and the truth thereof appearing, may grant a Dedimus to take the Examination of such Witness or Witnesses which when duly returned shall be received as legal Evidence.

XXXVIII. Provided always that the party praying such Commission as aforesaid shall give notice to the adverse Party of the time and place when and where such Commission is to be executed as the Court shall think proper, and the adverse Party shall have leave to cross-examine any Witness or Witnesses whose deposition shall be so taken, and all depositions otherwise taken than is herein directed, unless by consent of Parties, shall be void to all intents and purposes.

XXXIX. And be it further enacted by the Authority aforesaid that every Person summoned to appear as a Witness in any of the said Inferior Courts in manner as hereinbefore directed, shall appear according to such summons and continue to attend from day to day until discharged by the Court or by the Party at whose instance he was summoned, and in default thereof shall be subject to the pains and penalties herein before mentioned, any Law or Usage to the contrary notwithstanding.

XL. And be it further enacted by the Authority aforesaid that all Causes, Actions, Suits, Writs, Complaints, Process, Recognizances, Indictments and Presentments whatsoever heretofore commenced and not yet determined in either of the late Inferior Courts of Pleas and Quarter Sessions in this Province, or such as shall be returnable to, or had, or shall have day or days in any of the said Courts or other matters or things in them depending not fully determined after the passing of this Act shall be transported and carried off the Dockets in each of the said late Inferior Courts into the Dockets of the several Courts by this Act established, in the same order in which they shall then stand in the Docket of the said late Inferior Courts respectively, and shall be proceeded on and determined by the said Courts according to the method by this Act directed, as if the same had been originally commenced therein.

XLI. And be it further enacted by the authority aforesaid, That all Writs and other Process and all Suits and Proceedings whatsoever issued, granted, or prosecuted in any of the said late Inferior Courts, wherein Judgment hath been entered or Decree made, shall and may be taken cognizance of by the said Courts of the respective Counties by this Act established, and such Courts may respectively award execution or other necessary Proceedings, on such Judgment or Decree in the same manner as if such suit had been originally commenced therein, any Law, Usage or Custom to the contrary notwithstanding.

XLII. And be it further enacted by the Authority aforesaid, that the Courts hereby constituted shall possess all the Rights, Powers and Authorities which the Precinct Courts, Inferior Courts, or County Courts of this Province have

heretofore had, held, and enjoyed, due respect being had to the several limitations and Restrictions in this law heretofore mentioned.

XLIII. And be it further enacted by the Authority aforesaid, that the time elapsed since the expiration of the late Inferior Court Law to the passing of this Act, shall not be allowed of in any Plea of Limitation, or in the computation of time allowed for proving accounts under the Act ascertaining the method of proving Book debts.

XLIV. And be it further enacted by the Authority aforesaid, that the Sheriff of each respective County of this Province shall five days at least before the sitting of each respective Inferior Court to be held after the passing of this Act Summon Twenty-four Freeholders to serve on the Grand Jury, and Twelve Freeholders to serve on the Petit Jury to attend at such Court respectively which said Jurors shall appear and give their attendance accordingly till discharged by the Court, and that there may not be a default of Jurors, it shall and may be lawful during the sitting of the Court for the Sheriff by order of the said Court to summon of the by-standers other Jurors to serve on the Petit Jury from day to day, and on any day of the said Court the Justices may discharge those who have served the preceding day.

XLV. And to enforce the attendance of Jurymen at the said Court, Be it enacted by the Authority aforesaid, that every Person, who shall hereafter be summoned in virtue of this Act to appear either as a Grand or Petit Juror at any of the said Courts and shall fail to appear and give his attendance till discharged by order of the Court, such Person so failing to appear or give his attendance till discharged, shall be fined forty shillings by the Justices of the said Court to be applied towards defraying the charges of the County and lessening the County tax, unless he shall shew sufficient cause to the next succeeding Court for such failure.

XLVI. And be it further enacted by the Authority aforesaid, that this Act shall continue and be in force during the Term of one year, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER II.

An Act to Establish a Militia for the Security and Defence of this Province.

Whereas a Militia may be necessary for the defence and safety of this Province.

I. Be it Enacted by the Governor, Council and Assembly and by the Authority of the same That all Freemen and Servants within this province between the Age of Sixteen and Sixty shall compose the Militia thereof and that the several Captains of the same shall Enroll the names of all such Freemen and Servants of which their several Companies consist and shall at their respective General Musters return a Copy thereof to the Colonel of their respective Regiments under the Penalty of Five Pounds Proclamation money to be levied by a Warrant of Distress from the Colonel of their Regiment directed to the Sheriff of the County to which the said Regiment belongs which Sheriff shall be paid out of the said Penalty the sum of ten Shillings: and in case any Sheriff shall neglect or refuse to serve such Warrant he shall forfeit and pay the sum of five pounds to be recovered by action of Debt in any court of Record and be applied as hereinafter directed which Copy so returned shall by every Colonel be returned to the Governor or Commander in Chief for the time being under the like Penalty and that all persons after being so Enrolled who shall at any time (Unless

rendered incapable by sickness or other accident) neglect or refuse when called upon to appear at such times and places where Ordered by the Colonel or Commanding Officer, there to be mustered, Trained and exercised in Arms and be provided with a well fixed Gun shall forfeit and pay if at a private Muster five Shillings, if at a General Muster Ten Shillings and shall also be provided with a Cartouch Box, Sword, Cutlass, or Hanger, and have at least Nine Charges of powder made into Cartridges and sizeable Bullets or Swann Shot and three Spare Flints a Worm and a picker under the Penalty if at a private Muster the Sum of two Shillings and Six pence if at a General Muster Five Shillings to be levied by a Warrant of distress from the Captain of the Company directed to the Serjeant of the same who is hereby impowered to Execute the said Warrant and distrain for the said Fines and Penalties in the same manner as Sheriffs are impowered to distrain for public Taxes and shall make return thereof to the Captain which Serjeant shall deduct one Shilling and four pence out of every Fine so levied and in Case such Serjeant or Serjeants shall neglect or refuse to serve any Warrant or Warrants to him or them so directed he or they for such Neglect or refusal shall be fined Twenty Shillings to be recovered by a Warrant from the Captain directed to any other Serjeant under the same Penalty to be accounted for and applied as other fines in this Act directed.

II. Provided always, That every Absentee shall be allowed till the next succeeding muster to make his excuse before the captain shall issue his Warrant unless against such Defaulters as he may Suspect are about removing themselves out of the County before such succeeding muster in which Case it shall and may be lawful for the Captain to issue a Summons to cause such suspected person to appear before him to make his Excuse for such absence and upon hearing the same or upon the persons refusing to obey such summons the Captain shall then proceed as to him shall seem just and every Person that shall be fined by virtue of this Act and shall think himself injured by his Officers may appeal to the next Court Marshall first giving Security in the Sum of Twenty Shillings Proclamation Money to appear and abide by the Judgment of the said Court and if Judgment shall be against him that he will then and there pay the fine with two shillings Costs.

III. Provided also, That no member of his Majesty's Council, no member of Assembly, no Minister of the Church of England, no Protestant Dissenting Minister regularly called to any Congregation in this Province, no Justice of the Superior Courts, Secretary, Practising Attorney, no man who has borne a Military Commission as high as that of a Captain or Commissioned Officer who has served in the army; no Justice of the Peace, nor any Person who hath acted under a Commission of the Peace, no Clerk of the Court of Justice, Practicing Physician, Surgeon, Schoolmaster having the Tuition of ten Scholars, Ferryman, Overseer having the care of six Taxable Slaves, Inspectors, Public Millers, Coroners, Constables, Overseers and Commissioners of Public Roads, Searchers, or Branch Pilots so long as they continue in office shall be obliged to enlist themselves or appear at such musters.

IV. Provided nevertheless, That in case any such Overseer having the Care of six Taxable Slaves shall be seen in the muster Field on the days of General or Private musters they shall be liable to a Fine of forty shillings to be levied by a Warrant from the Colonel or Commanding Officer and applied as other Fines in this Act directed.

V. And be it further Enacted by the Authority aforesaid, That if the Captain, Lieutenant, or Ensign, or any two of them shall adjudge any Person or Persons enrolled as aforesaid to be incapable of Providing and furnishing

him or themselves with Arms, Ammunition and accoutrements required by this Act every such person shall be exempt from the fines and forfeitures imposed by virtue of this Act until such Arms, Ammunition, and Accoutrements shall be provided for and delivered him by the Court Martial to be paid for out of the Fines already collected and that may be hereafter collected such Court Martial first taking security for the safe keeping and returning such Arms, Ammunition and Accoutrements when required.

VI. And be it further Enacted by the authority aforesaid, That the Captain of every Company within this province shall and they are hereby required to Choose a Clerk, three Serjeants, three Corporals and a Drummer for the said company which said Clerk shall give his attendance with his Sword by his side on every Muster day and call over the Roll of the Company and take notice of the Persons who are absent on each of the said Muster days and return upon Oath a true list of the Absentees to his Captain and shall also before they proceed to their Exercise read distinctly and with an Audible Voice at the head of his Company this Act and if the Clerk, Serjeants, or Corporals, or any of them so Chosen shall refuse to Act in the Office he is appointed to he shall forfeit and pay the sum of Forty Shillings.

VII. And be it further enacted by the Authority aforesaid that in case of any Insurrection within this province or Invasion it shall and may be lawful for the Governor or Commander in Chief for the time being or any Field Officer by him directed to raise all or so many of the Militia as shall be that necessary for opposing such Insurrection or Invasion and the Militia so raised shall perform such Duty or Service as they shall be required to do by their commanding officer and it is hereby required and directed that the said Militia shall appear furnished with Arms, Ammunition and Accoutrements as aforesaid.

VIII. And be it further enacted by the Authority aforesaid, That every Person who shall neglect or refuse on call or Alarm given to appear at such times and places as shall be appointed by his Captain or other Officer shall forfeit and pay Ten Pounds Proclamation Money to be levied by a Warrant from the Colonel or Commanding Officer for that service directed to the Sheriff of the County where the offender resides and such Sheriff who is hereby directed and required to Execute the same shall for every neglect or refusal forfeit and pay the sum of Ten Pounds Proclamation Money to be recovered by Action of Debt in any Court of Record in this Province and any Person who shall refuse to March against the Enemy when Commanded or refuse or Neglect to do his duty or perform the Service he is put upon by such Captain or other Officer or shall quit his post, desert his Colours or Mutiny, it shall and may be lawful for one Field Officer or more, three Captains, three Lieutenants and three Ensigns or the Majority of them openly to hold a Court Martial first taking the following Oath towit:

You shall swear well and truly to try and determine according to your Evidence in the matter now before you between our sovereign Lord the King and the Prisoner to be tried, So help you God.

And on Tryal and Conviction to Punish the Offender according to Martial Law as the nature of the offence may require (death excepted) and for want of such number of officers to Compleat a Court Martial the offender shall be put under a Guard until such time as there are a sufficient number to hold a Court Martial aforesaid.

IX. And be it further Enacted by the Authority aforesaid, That the respective Officers of the Militia and the private men when in Actual Service shall from the day they are Ordered on duty be paid according to the rates following to-wit:

A Colonel p. day.....	12s 6d
A Lieutenant p. day.....	10s
A Major p. day.....	10s
A Captain p. day.....	7s 6d
An Aujutant p. day.....	7s 6d
A Lieutenant and Chirurgeon each p. day.....	5s
An Ensign p. day.....	4s 6d
A Clerk p. day.....	4s
A Serjeant p. day.....	4s
A Corporal and Drummer each p. day.....	3s
Every private Man p. day.....	2s
And Eight pence p. day to the Commanding Officer for victualing each Man.	

X. And be it further Enacted by the Authority aforesaid, That every Captain of a Company shall once within every Six Months at such times and places within their Several Districts as their respective Colonels shall appoint muster his Company and see that every Soldier in his said Company be furnished with such Arms, Ammunition and Accountments as in and by this Act is directed under the Penalty of three pounds for each Muster he shall neglect to be levied by a Warrant of Distress from the Colonel or Commanding Officer of the County in Manner aforesaid and be applied as by this Act is directed and that each and every Company shall consist of not less than fifty men exclusive of Officers.

XI. And be it further Enacted by the Authority aforesaid, That all Officers of the Militia shall be resident in the County for which they are appointed Officers.

XII. And be it further Enacted by the Authority aforesaid, That if any Soldier shall during the time of Muster resist his Commanding Officer or refuse his Lawful Commands such Soldier shall be punished at the discretion of his officer by being tied Neck and Heels not exceeding fifteen minutes, picqueted or ride the Wooden horse and if any Officer or Soldier shall refuse to Carry such Commands into execution he or they so offending shall forfeit and pay the sum of five pounds Proclamation Money to be levied by a Warrant from any Field Officer in the Regiment and applied as other Fines mentioned in this Act.

XIII. And be it further Enacted by the Authority aforesaid, That if any Number of Men not less than thirty nor exceeding Sixty including officers belonging to any of the Regiments within this province shall desire to form themselves into a Troop of Horse it shall and may be lawful for such persons by and with the Assent of the Colonel of the Regiment to form themselves into a Troop and give a list of their names to the Colonel who shall forthwith return the same under his Hand and Seal to the Governor or Commander in Chief of this province for the time being and it shall and may be lawful for the said Governor or Commander in Chief to appoint and Commissionate a Captain, Lieutenant and Cornet to the said Troop and when the Commanding Officers of the said Troop are ready and shall Exercise the said Troop and not before the Persons so Enrolled in the said Troop shall be and are Exempt from their Service in the foot Companies. And the Officers and private men of the said Troop shall afterwards be subject to Muster as many times as well with regard to private Musters as to General Musters of the County and under the same penalties as in and by this Act is before directed for the foot Muster.

XIV. And be it further Enacted by the Authority aforesaid, That every Trooper shall be provided with a good serviceable Horse not less than

fourteen Hands High with a good Bridle, Saddle, housing Holsters, Breast-plate and Crupper, a Case of good Pistols and good Broad Sword, Twelve Charges of Powder, Twelve Sizeable Bullets, a pair of Shoe Boots with suitable Spurs and a Carbine well fixed with a good Belt Swivel and Bucket.

XV. And be it further Enacted by the Authority aforesaid, That the Colonels of each and every Regiment shall once a Year cause a General Muster to be made of their respective Regiments at the Court house of their County which if any of them shall fail or neglect to do and shall fail to appear at such Muster (sickness or accident excepted) he or they so offending shall forfeit and pay the sum of Twenty pounds to be recovered by action of Debt, Bill, plaint or Information in any Court of Record within this province one-half thereof to such Person who shall sue for the same and the other half to be applied as other Fines in this Act directed.

XVI. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Field Officers and Captains of every County or the major part of them whereof the Colonel, Lieutenant-Colonel, or Major, shall be one and they are hereby directed and required to meet at the Court House of their respective Counties on the day next following their respective general musters which shall be in their Counties then and there to hold a Court Martial which said Court shall have full power to enquire into the Age and abilities of all persons enlisted and to exempt such as they shall judge incapable of service and of all Neglects and omissions as well by any Officers as delinquents and to hear and determine all appeals which shall be made to the Court from any Officer or Soldier who may think himself unjustly fined by his Captain and to Order and dispose of all fines in the first place for Buying drums, Colours and other necessaries for the use of the Company from whence the same shall arise and afterwards with supplying the Militia with Arms and the said Court is hereby directed and required to keep a Register of all their proceedings and for that purpose to appoint a Clerk and allow him a reasonable Salary out of the Fines.

XVII. And be it further Enacted by the Authority aforesaid, That the Court Martial of every County shall have full power from time to time to call the Sheriff or any other person or persons whatsoever to account on Oath who shall pay to them the monies in the Hands of him or them belonging to their respective Regiments that have accrued or that may become due by virtue of this or any former Militia Act and if any Sheriff or other person shall refuse or neglect to appear account and pay as aforesaid he shall forfeit and pay the sum of Fifty Pounds to be recovered with Costs by the Colonel of the regiment to which such Money is or may become due by Action of Debt or Information in any Court having cognizance thereof and to be applied to the use of the Regiment and when any suit shall be brought by the Colonel and he shall happen to die or be superseded before such suit shall be determined the same shall and may be carried on by the succeeding Colonel in the name of his Predecessor who brought such suit and the death of the Colonel or his being displaced shall not be pleaded in abatement of such suit nor be deemed matter of Error any Law Usage or Custom to the contrary notwithstanding.

XVIII. And be it further Enacted by the Authority aforesaid, That every Colonel failing to appear at such Court and every Lieutenant-Colonel or Major failing to appear at the General Muster or such Court as aforesaid for every such Offence shall forfeit and pay the sum of five pounds proclamation Money and every Captain failing as aforesaid shall forfeit and pay three pounds and every Lieutenant or Ensign failing to appear at the General Muster Forty Shillings unless they shall make such excuse for their

Absence to the next succeeding Court as the said Court shall judge sufficient and every Captain or in his Absence the Clerk of the said Company shall return on Oath an exact list of the Persons who have been fined and whether for absence or want of Accoutrements and every Captain shall then and there pay into the Court all such fines as he shall have received under the penalty of fifty pounds to be levied by a Warrant from the Colonel which said Fine shall be applied as other Fines by this Act directed.

XIX. And be it further Enacted by the Authority aforesaid, That each and every Captain shall procure a Copy of this Act and lodge the same with the Clerk of his Company and be allowed for the same out of the Fines.

XX. And be it further Enacted by the Authority aforesaid, That no Officer or Soldier ordered and directed by this Act to appear at Muster as aforesaid shall be liable to be taken or arrested by any officer in any Civil Action or process whatsoever on the day such person is directed to appear or in any reasonable time either in going to continuing at or returning home from the place appointed to Muster but every such arrest is hereby declared to be ipso facto void and all officers are hereby required to take notice thereof any Law Usage or Custom to the Contrary notwithstanding.

XXI. And be it further Enacted by the authority aforesaid, That every person liable to appear or muster going to or returning from any Muster shall be suffered to pass over any Bridge and shall be put over any Ferry without delay free from any Charge whatsoever and if any Ferryman shall demand, delay or refuse to put such person or persons over he shall forfeit and pay for every such offence the Sum of Twenty Shillings to be recovered by a Warrant from a Justice of the Peace one-half to the Informer the other half to the use of the Parish where the offence was Committed.

XXII. And be it further Enacted by the Authority aforesaid, That when it shall be thought requisite or necessary to swear any person or persons upon any trial before any Captain about any Fines or Penalties in this Act directed it shall and may be lawful for the said Captain to administer any such Oath.

XXIII. And be it further Enacted by the Authority aforesaid, That an Act passed in the Year One Thousand seven hundred and seventy, entitled "An act for an Addition to and Amendment of an Act entitled, An Act for appointing a Militia;" and this act be and continue in force for and during the term of One Year from and after the passing hereof and from thence to the end of the next Session of Assembly and no longer.

CHAPTER III.

An Act to establish Courts of Oyer and Terminer and General Gaol Delivery and for vesting in the several Inferior Courts of Pleas and Quarter Sessions the power of appointing Jurymen for the said Courts of Oyer and Terminer and regulating the Proceedings therein and also for constituting the Judges thereof a Court for hearing and determining Appeals and Writs of Error.

Whereas it is necessary for the due Administration of Justice, that Courts of Oyer and Terminer, under proper regulations, should be held in the several districts of this Province.

I. Be it therefore Enacted by the Governor, Counsel and Assembly and by the Authority of the same, that the Governor or Commander in Chief for the time being, be hereby impowered and authorized to issue a Commission

of Oyer and Terminer and General Gaol Delivery, under the great Seal of this Province—directed to the Chief Justice for the time being, empowering him to hear and determine all offences, whether Capital or of an inferior degree, against His Majesty's peace and Government, which may have been committed or shall be hereafter committed within this Province, and give Judgment and award Execution thereon, and also to hear and determine all Appeals and Writs of Error which may be brought before him from any Inferior Court.

II. And be it further enacted by the Authority aforesaid, That the Governor or Commander in Chief for the time being, shall also issue a Commission of Oyer and Terminer to two Persons resident in each District, being men of Ability, Integrity, and learned in the law, empowering them or either of them, in case of the absence of the Chief Justice, thro' sickness or any other cause, within the respective District where they reside and not elsewhere, to hold a Court of Oyer and Terminer, who shall have and possess the same powers and authority which by this Act is given, or is intended to be given by the Chief Justice in the same District, in case of his personal attendance.

III. And be it further Enacted by the Authority aforesaid, That a Court of Oyer and Terminer shall be held at Wilmington for the Counties of New Hanover, Onslow, Bladen, Duplin, Cumberland and Brunswick, on the Twentieth day of July and January at Salisbury for the Counties of Rowan, Anson, Mecklenburg, Tryon, Guilford, and Surry on the first day of June and December.

At Hillsborough for the Counties of Orange, Granville, Wake and Chatham on the tenth day of June and December.

At Halifax for the Counties of Halifax, Northampton, Edgecombe and Bute on the Twentieth day of June and December.

At Edenton for the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrel, Hertford, and Martin on the first day of July and January.

And at New Bern for the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs and Pitt on the tenth day of July and January. And each of the said Courts shall continue to be held for the space of five days exclusive of Sundays by adjournment de die in diem, unless the business shall be concluded in a shorter term of time.

IV. And be it further enacted by the Authority aforesaid, that the Justices of the Inferior Courts shall, and they are hereby directed before the sitting of the Courts of Oyer and Terminer and General Gaol Delivery of their respective districts, to nominate Twenty-four Freeholders to serve as Grand Jurymen, and Twenty-four Freeholders to serve as Petit Jurors at such Court.

V. And be it further enacted by the Authority aforesaid, That the number of Freeholders to be nominated for each County to serve as Jurors, shall be proportioned as follows, to-wit: New Hanover Twelve, Bladen eight, Duplin Eight, Onslow Eight, Cumberland Six, Brunswick six, ——— to serve as Jurors at the Court of Oyer and Terminer to be held at Wilmington; for the said Counties: Rowan Twelve, Anson Seven, Mecklenburg Seven, Tryon Eight, Surry Seven, and Guilford Seven—to serve as Jurors at the Court of Oyer and Terminer to be held at Salisbury, for the said Counties: Orange Twenty, Granville Twelve, Chatham Ten, and Wake Eight—to serve as Jurors at the Court of Oyer and Terminer to be held at Hillsborough, for the said Counties: Halifax Sixteen, Edgecombe Ten, Bute Ten, Northampton Twelve—to serve as Jurors at the Court of Oyer and Terminer to

be held at Halifax, for the said Counties; Chowan Ten, Perquimans Six, Pasquotank Six, Currituck Four, Tyrrel Four, Martin Four, Bertie Eight and Hertford Six—to serve as Jurors at the Court of Oyer and Terminer to be held at Edenton, for the said Counties; Craven Eighteen, Carteret Four, Beaufort Six, Hyde Four, Dobbs Six, Pitt Six, and Johnston Four—to serve as Jurors at the Court of Oyer and Terminer to be held at New Bern for the said Counties.

VI. And be it further Enacted by the Authority aforesaid, that in case it shall so happen that a sufficient number of Jurors so nominated as aforesaid, shall not appear at any of the said Courts, that then it shall and may be Lawful for the Chief Justice or other Justice of such Court, to order the Sheriff to summon other Freeholders of the Bystanders to serve either as Grand or Petit Jurymen, or in case from the number Challenged by the Prisoner there shall not be sufficient to make a full Petit Jury it shall in like manner be lawful for the Court to order the Sheriff to summon other Freeholders of the Bystanders. Provided, that such Bystanders as are summoned to serve on the Petit Jury, shall and may every day be discharged, and the succeeding day and so from day to day, the sheriff shall summon so many of the Freeholders who are by-standers as may be necessary, and if any Person so summoned to serve on the Grand or Petit Juries before such Court shall fail to answer and attend agreeable to the directions of this act, it shall be Lawful for the said Court to fine every Person failing Three Pounds, Proclamation Money, to the use of the County whereof he is resident.

VII. And be it further Enacted by the authority aforesaid, that the Clerk of each of the said Courts shall, every day during the continuance of such Court, write the names of all Petit Jurors appearing on scrolls or pieces of paper, which shall be put into a box, and on the trial of every issue, a Child under ten years old in open court, shall draw out of the said Box, Twelve of the said scrolls or pieces of paper, and the persons whose names shall be on the said scrolls or pieces of paper drawn as aforesaid, shall be the jurors to try such issue, unless they shall be Lawfully challenged, in which case other scrolls shall be drawn 'til the Jury are completed.

VIII. And be it further enacted by the authority aforesaid, That each and every Juror who shall attend any of the said Courts of Oyer and Terminer in virtue of this Act, upon producing a certificate from the Clerk of the said Court, setting forth the time of his attendance, to the Inferior Court of the County where he resides, shall have and receive Three Shillings Proclamation Money, for every day he shall Travel and attend as aforesaid, and the charge of his ferriages.

IX. And be it further enacted by the authority aforesaid, That the Clerk of every Court of Oyer and Terminer, when any matter hath been finally determined, shall make up a full and perfect Record of the same, and the Judge who shall have held such Court shall make due return of all the Records and Proceedings which shall have been had and moved before him in the said court, into the Secretary's office, within six months after the conclusion of such court.

X. And be it further enacted by the authority aforesaid, that the Chief Justice or such other Judge or Judges, who in his absence, shall in virtue of this Act hold any of the said Courts, shall have and receive the sum of Twenty-Five Pounds, Proclamation Money, for each Court which he or they shall so hold.

XI. And be it further enacted by the Authority aforesaid, That the said Courts shall have power and authority to grant Writs of Error for correcting Errors of any Inferior Court, within their respective Districts, and the party

praying such Writ of Error, before the same shall issue, shall assign error and give bond and security to be approved by the Court, to abide by, perform and fulfill the judgment which shall be given thereon by such Court, and if upon argument of any Writ of Error or trial of any appeal from an Inferior Court, the Judgment or decree of the Inferior Court shall be reversed, the said Court shall grant judgment or make such decree thereupon as should have been entered or made up in the Inferior Court, and shall and may issue execution thereupon. And for preventing the obtaining writs of error by surprise the party praying such Writ shall give notice to the adverse party of his said motion, ten days at least before the same shall be made, and no such writ shall be granted without an affidavit of such notice.

XII. And be it further enacted by the authority aforesaid, that the Attorney General, for his Trouble and Expence in attending the said Courts of Oyer and Terminer, shall receive the sum of Twenty Five Pounds for every Court he shall so attend.

XIII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for one year, and from thence to the end of the next Session of Assembly and no longer.

CHAPTER IV.

An Act to Amend the Staple of Tobacco, and prevent Frauds in his Majesty's Customs.

Whereas, the Laws heretofore in force for amending the Staple of tobacco and preventing frauds in His Majesty's Customs, are found to be ineffectual for answering the purposes intended, thereby for remedy whereof.

I. Be it enacted by the Governor, Council and Assembly, and by the Authority of the same, that the Inferior Court for any County, in this Province where tobacco inspection and warehouses are already Established shall annually, at the first Court to be held for their County after the Tenth day of June, appoint two discreet and careful men well acquainted with the nature and quality of tobacco, to be Inspectors thereof, who shall well and carefully examine every Hogshead, Cask or Parcel of Tobacco brought to their Warehouse, and such Tobacco as they shall find to be good, sound and merchantable, fit for exportation, they shall cause to be immediately Headed, Hooped and Nailed and the Number, neat weight and tare, with the name of the Warehouse stamped or marked thereon. And for all tobacco so passed by them in Crop Hogsheads they shall give to the Owner thereof a Receipt containing the warehouse number, gross, tare and neat weight, the kind of tobacco, and therein oblige themselves to deliver the same tobacco to such Owner or his Order for exportation when demanded, And for all such tobacco as they shall pass in parcells they shall give the Owner a transfer note, And all such parcells of tobacco they shall immediately pack and Prize into Hogsheads of at least One Thousand neat weight, to be by them paid in discharge of such transfer Notes to the person who shall be possessed of them, deducting from their transfer Notes when returned to them, at the rate of Two per Cent. for the first Month and one per cent. for each Month after one for shrinkage, and may also charge out of such transfer Notes thirty pounds of tobacco for the cash; and all tobacco brought to their warehouses which in their judgment is not good, sound and Merchantable they shall cause to be immediately burned. And where Tobacco is offered for Inspection and it appears to them that part thereof is only unfit to pass, the owner thereof may separate such bad tobacco from the good and that only

which is Bad shall be burned, but if the owner refuses to have the same separated then the Inspector shall and may burn the whole. And all tobacco of the second growth, commonly called seconds, is hereby declared to be unfit for Exportation and therefore shall not be received by any Inspector, and where the Inspectors at any Warehouse shall Disagree in their opinion of the quality of any Hogshead of Tobacco, or where the Tobacco to be Inspected is the Property of one of the Inspectors, then another sworn Inspector from the nearest Warehouse shall be called and shall decide and receive or reject the same. And when an Inspector shall die, or be rendered by sickness or accident unable to attend his duty, then it shall be Lawful for any three Justices of the County to appoint and swear in another proper person to act as Inspector until the disability of the other be removed or until the Court shall appoint; and such person so appointed to act shall be under the same penalties and entitled to a proportionable part of the salary for the time he shall act, and be under the same regulations as if originally appointed by the Court.

II. And be it further enacted by the authority aforesaid, That the Inspectors to be appointed by virtue of this Act shall give Bond and Security, to be approved by the Justices appointing them, in the penalty of Five hundred pounds sterling, payable to the Governor or Commander in Chief for the time being, with condition they shall respectively Execute the Office of Inspector of Tobacco faithfully and truly, according to the Laws in that Case made, which Bond on any suggestion made to the Commander in Chief for the time being, of a Breach thereof shall by him be assigned to the party injured to be put in suit and shall not be void on any Recovery until the whole penalty be recovered, and such Inspectors shall, before they enter upon the duties of their office, take in open court the following Oath, to-wit:

"You shall swear that you will diligently and carefully view and examine all tobacco brought to any public warehouse whereof you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and Inspect, and that not separate and apart from your Fellow, but in his Presence, and that you will not receive any Tobacco that is not in your judgment sound, well conditioned, Merchantable and clear of trash, nor receive, pass or stamp any tobacco, Hogshead or Cask of Tobacco, prohibited by an Act of Assembly entitled "An Act for Regulating the Inspection of Tobacco and preventing Frauds in His Majesty's Customs," and that you will not change, alter or give out any Tobacco other than such Hogshead or Cask for which the Receipt to be taken in was given, but that you will in all things well and faithfully discharge your duty in the office of an Inspector, according to the Directions of the said Act, without Fear, Favor, Affection, Malice or Partiality. So Help you God."

III. And be it further enacted by the Authority aforesaid, that no tobacco shall be exported out of the Province until the same has been carried to some Inspection and there viewed, passed and stamped, according to the directions of this Act, or which has already been so done according to the laws heretofore in force, and the Inspectors at every Inspection which is or shall in virtue of this Act be appointed, on delivering out any tobacco from their Warehouse for Exportation shall deliver therewith to the Master or Skipper of the Vessel receiving the same, a Manifest thereof signed by them, containing the Marks, Numbers, Gross, Nett and Tare of every Hogshead or Cask then delivered, with the name of the Warehouse and the name of the Vessel and Masters thereof in which the same is intended to be Exported, and the name of the Shipper, which Manifest, in case the Tobacco be delivered to any River Craft to be lightened down to any Seaport, shall

be delivered therewith by the Skipper of said Craft on board the ship or vessel in which the same is to be exported, or in case such vessel cannot take it then into the most convenient Warehouse at or near such Seaport, there to remain until the same shall be shipped in some other vessel for exportation, according to the true intent and meaning hereof, and all tobacco water borne with intention to elude this Act, is hereby declared to be forfeited and shall be the property of any person who shall seize and take possession of the same, and in case of a suit against the person seizing such tobacco he may on the general issue, give this Act as evidence.

IV. And be it further enacted by the authority aforesaid, that the Inspectors at Halifax Warehouses shall constantly attend their duty at the said Warehouses, from the first day of October to the first day of June in every year, on penalty of forfeiting forty shillings for each day either of them shall neglect the same, sickness or unavoidable accident excepted, which forfeiture shall and may be recovered by warrant before any Magistrate of the County where the Inspector resides, by any person suing for the same, to the use of the person suing, and shall furthermore be liable to action of the party aggrieved for such damages as he may sustain; and the Inspectors at the said Inspection of Halifax shall have and receive for their attendance the sum of Sixty Pounds each, and the Inspectors at Jones's the sum of Twenty-Five Pounds each annually, to commence from the first day of October last past, to be paid by the Justices of the Inferior Court for their respective counties out of the County money, and the Justices of any County within the Province may and are hereby directed and impowered if necessary, to appoint such places for the inspection of tobacco in their County and Inspectors to attend thereat, as to them shall seem most proper so as such place of Inspection be at a landing on some sufficiently navigable stream, and also may at the Expence of their Counties purchase or rent Ground, Build or Rent Warehouses, Provide Scales and weights and other matters incident to an Inspection and allow such salaries to the Inspectors as they shall judge proper; And also shall at any such Inspection order and limit the time for the attendance of such Inspectors at their respective Warehouses; And any inspector so to be appointed shall be under the like Bond, Security and oath and subject to the same forfeiture, method of recovery and application as are above directed for the non-attendance of the Inspectors at Halifax Warehouses and for defraying the charges of Inspection. Be it enacted by the Authority aforesaid, that for every Hogshead or cask of Crop tobacco delivered by the Inspectors for Exportation, there shall be paid to them by the owner or shipper thereof three shillings and four pence proclamation money, for the use of the County, and for every Hogshead of Transfer Tobacco prized up by them to the weight herein directed the sum of six shillings and eight pence like money, three and four pence whereof for the use of the County and the other three and four pence to reimburse them for prizing and nails, and the Inspectors shall at the first court for their County after the tenth of July in every year lay before the said Court an account on oath of all tobacco by them delivered for exportation and also on account of their transfer tobacco remaining on hand, and what transfer notes are not returned to them shewing what has been gained or lost on the allowance for shrinkage herein above Directed, and make a full settlement with the Court for all monies they are chargeable with in virtue of this Act before they shall obtain any order from the Court for their salaries above provided. And where Leaf and Stem'd Tobacco are put in the same Hogshead they shall be each kind by itself weighed separately, and the Inspector shall mention in the note the quantity of each kind.

V. And be it further enacted by the authority aforesaid, that no Collector or Custom House Officer in the Province, shall clear outwards any ship or Vessel having Tobacco on Board until the Captain or Master thereof shall produce and deliver to him such Manifest as above directed, signed by the Inspectors where the same was inspected, for all tobacco he has on board, and also two fair copies thereof; One to be annexed to the Vessels Clearance and the other to be transmitted to the Chief Officer of the Customs; and the Collector or Officer Clearing such Ship or Vessel is hereby directed to administer to such Captain or Master, before delivering such Clearance, an Oath to this Purport, that the Manifest by him produced contains a true account of the Mark, Number, Tare and Nett Weight stamped or marked on each Hogshead of Tobacco on board his Vessel as they were taken down before the same was stored away, and the said Collector is hereby authorized to take and receive two shillings and eight pence for administering the sd. oath. And every Custom House Officer who shall clear out any Vessel having Tobacco on board without receiving such Manifest and causing such Oath to be made before them, shall forfeit the sum of Five Hundred Pounds, Proclamation Money, to be recovered in any Superior Court in this Province by and for the use of any person who shall sue for the same.

VI. And be it further enacted by the authority aforesaid, that if any person shall forge or counterfeit the stamp, note or receipt of any Inspector, or offer for sale or payment, or demand of any Inspector Tobacco on any such forged note or receipt, knowing it to be such, or shall cause to be exported any Hogshead or Cask of Tobacco Stamped with a forged or Counterfeit stamp, or shall take out any stave, plank or heading out of any Hogshead of Tobacco stamped as herein directed after such Hogshead shall have been delivered from any of the Public Warehouses above mentioned, every person so offending and being thereof Legally convicted shall be adjudged a Felon and suffer as in cases of Felony. And if any Inspectors note shall be lost or destroyed the owner thereof may, on making oath before some Magistrate of the quantity of tobacco mentioned in the same, and that the note is lost or destroyed and that he or she so making oath is the lawful owner thereof and entitled to receive the tobacco therein mentioned, obtain a Certificate from the Justice administering such oath and shall thereby be entitled to receive the Tobacco for which the last note was given, and if any person shall be convicted of making a false oath or producing a forged Certificate in the above case, knowing the same to be forged, shall suffer as in cases of wilful and corrupt perjury.

VII. And be it further Enacted, that if any warehouse at any of the tobacco Inspections in this Province is or shall be appointed, shall happen to be burned and tobacco therein destroyed, the value of the tobacco so burned shall be payed to the Proprietor thereof by the Counties where the same was made and be levied by the respective Inferior Courts on the taxables at the laying their County levy in proportion to the quantity brought to Inspection by the different counties, and where such accident shall happen no Inspector shall be sued by reason of any notes or Receipts by them given for Tobacco so burned.

VIII. And be it enacted by the authority aforesaid, That no Inspector of Tobacco shall be capable of being Elected member of Assembly during his continuance in his office of Inspector or within one year after, nor shall any Inspector directly or indirectly, buy or receive by way of barter, loan or exchange any tobacco whatsoever (payments in Tobacco for their own rents excepted) under the penalty of Forfeiting their office. And when any person demands tobacco of any Inspector on their notes and shall have cause to

doubt the same hath received damage after Inspection, three Justices of the county not being Merchants, where the tobacco is, shall, on the application of the person demanding the Tobacco, repair immediately to the warehouse and there being first sworn before some other Justice (who is hereby empowered to administer such oath), well and carefully view and examine the said Tobacco in dispute and give their opinion thereon, whether the same ought to pass or be rejected, according to the best of their judgment and conscience without favor or affection, shall proceed to view and examine the same, and if in their judgment it is good, sound and fit for exportation, the tobacco so passed shall be a sufficient tender to the party demanding on the notes for the same, and in that case the party so calling a review shall pay and satisfy to the Justices so attending five shillings—but if they reject the tobacco so reviewed in that case the Inspector shall pay the said Justices five shillings each, and shall be liable to the owner of the note for the value of the Tobacco so rejected and such damages as he may sustain by lying out of the same from the time of demanding.

IX. And be it further enacted by the authority aforesaid, that no slave within the Counties of Halifax, Northampton, Bute, Granville, Orange, Chat-ham, Edgecombe and Wake for his own benefit shall cultivate any Tobacco under the penalty of five pounds Proclamation Money, to be recovered from the Master, Owner or Overseer of such slave, by action of Debt before any jurisdiction having cognizance thereof, one-half to the informer and the other half to the use of the County where such slave shall reside.

X. And be it further enacted by the authority aforesaid, that nothing herein contained shall extend to the ports of Beaufort or Bath, but that the Custom House Officers shall clear out Vessels with Tobacco in the same manner as heretofore.

CHAPTER V.

An Act to regulate and ascertain the fees of the Clerks of the Inferior Courts in this Colony.

Whereas the fees of the Clerks of the Inferior Courts as regulated by former Acts of Assembly, are doubtful and ambiguous: For Explanation whereof,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, that for the future the following fees only shall be received by the Clerks of the Inferior Courts, and no other or greater fees or charges whatsoever, shall be deemed or construed to be allowed by the former Acts of Assembly, to-wit:

For every Writ or Leading Process returned to the first Court, and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon, until the making up and issue inclusive; and also for dismission or final judgment where either happens, or for confession of Judgment, to the Clerk of the Court, Fourteen Shillings.

For every Continuance or Reference, of every Cause after the second Court, including all fees, for every service necessary thereon, Four Shillings.

For the Court at Which the Cause is determined, including all Fees for every necessary Service, and entering Final Judgment inclusive, or Discontinuance, or Dismission, Eighteen Shillings.

For every Subpoena in which shall be inserted no more than four witnesses, Two Shillings.

For every Execution or Order of Sale, when necessary, issued and return-

ed, including all Services thereon, with Taxing Costs and Copy, and entering Satisfaction, Five Shillings.

For every Scire Facias, against Bail, with making up an Issue thereon, or entering Judgment without Plea, including all fees for every service necessary thereon (Provided that the Party paying Costs shall not be subject to this unless the Scire Facias is requisite & required by the Plaintiff), Eight Shillings.

For giving a Copy of the Record of any Cause when demanded by either of the Parties, Six Shillings.

For every Order or Rule of Court made on matters foreign to the suit depending in Court, and Copy thereof, when demanded, Two Shillings and Eight Pence.

For entering on the Minutes the Probate of a Will, Qualifying Executors, making Certificates, Recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence.

For granting Administration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence.

For all services necessary to be done by the Clerk of the Court towards procuring Letters of Administration or Letters Testamentary if he furnishes the said Letters, including the Governor's, Secretary's, and the Private Secretary's Fees, Twenty-six Shillings and Eight Pence.

For all services for proving, recording, and filing an Inventory, Account of Sales, or Account Current, exhibited by an Executor, Administrator or Guardian, or for Search, Copy and Certificate of the same, if the Estate be under One Hundred Pounds, One Shilling and Four Pence, if above One Hundred Pounds Value, Four Shillings.

For every Marriage License and Bond, and all necessary Services thereon, Five Shillings.

For an Ordinary License and Bond, and all the Services necessary to be done thereon, Five Shillings.

For Tavern Rates, Two Shillings and Six Pence.

For Searching a Record out of Court, Eight Pence.

For Proving, or Entering Acknowledgment, of a Conveyance of Land or other Estate, and Certifying the same with the Order, for Registration and Examination of a Feme Covert, with Commission, Two Shillings and Eight Pence.

For Guardian or other Bonds taken in Court, and for all necessary Services thereon, every fee relative thereto included, Eight Shillings.

For Indentures for Binding out Apprentices, making Order thereon, and for Filing and Recording the same, including all fees for every Service necessary, Five Shillings and four pence.

For a Special Verdict, Demurrer or Motion in Arrest of Judgment, and Argument thereon, Four Shillings.

For a Writ of Error or Appeal, with a Transcript of the Record, and all Services thereon, Ten Shillings.

For making out Certificates of Witnesses and Jurymen's attendance, Eight pence.

For recording a Mark or Brand, and granting Certificates thereof if required, One Shilling and four pence.

II. And be it further Enacted by the Authority aforesaid, that all the Services necessary to be done by the Clerks of the Inferior Courts within this Province, for which Fees are not provided in this Act, shall be deemed and construed to be ex-officio Services, for which the Clerks shall demand no

Fee or Reward whatever, except what shall be allowed such Clerks by the Inferior Court of their respective Counties for such Services.

III. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Clerks of the Inferior Courts on the Fees not being paid by the party from whom they are due, to make out Execution directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same in virtue of the said Execution, as in other Cases, and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in words of length, and without any abbreviation whatsoever, and all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same.

IV. And be it further Enacted by the Authority aforesaid, that whenever it shall be the opinion of the Court that the Party praying a continuance should not obtain it without payment of all Costs attending the same, the whole of these costs shall be paid before the Continuance is granted, and the party paying such Costs shall not be entitled to recover them, although the Judgment of the Court should finally be in his favour.

V. And be it further Enacted by the authority aforesaid, that if any person shall hereafter conceive himself aggrieved by any Clerk of the Inferior Courts, in taxing or charging other or greater Fees than by this Act are allowed, it shall and may be lawful for such Person so aggrieved either by himself or his Attorney to complain to the Court where such Offender is Clerk, and the said Court shall, in a Summary way, take the matter under their consideration; and if it shall appear to them that such Clerk hath taxed and charged other or greater Costs or Fees than are by this Act allowed, then the said Court shall not only order immediate Restitution to be made to the Party injured, together with all Costs and Damages, but also may, and they are hereby required to set such Fine as they shall think proper on such Clerk, not exceeding the sum of Five Pounds; and the Court shall commit such Clerk to Gaol if he refuses or delays to obey their judgment, there to remain until he has satisfied the Party injured, agreeable to the Judgment of the Court, and also pay the Fine inflicted on him to the Sheriff; which fine shall be applied towards defraying the contingent charges of the County where such Court shall be held, and shall be accounted for by the Sheriff at the same time as he accounts for the County Tax. Provided that such Clerk shall have ten days notice in writing previous to the sitting of the Court where such complaint is intended to be made, and that there shall be at least five Justices on the Trial of such Complaint if in the Inferior Court; and the notice shall be in these words or to this effect:

I intend to complain of you to the next _____ Court for taking more Fees in the Suit of _____ against _____ than the law allows.

And a Copy of this notice directed to the Clerk and signed by the Complainant, proved by the Oath of the Person who served it with a Copy of the Bill of Costs from the officer who levied the same shall be sufficient for the Court to judge upon, without any other nor further Process.

VI. And be it further Enacted by the Authority aforesaid, that if any Clerk shall, during the sitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court shall immediately, on Complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

VII. And be it further Enacted by the Authority aforesaid, that if any Clerk of any Court in this Province shall hereafter be guilty of any breach

or neglect of duty enjoined by this Act, such Breach or neglect of Duty shall on a second Conviction, be adjudged & deemed a Misbehavior in office for which such Clerk shall be suspended by the said Court, on Complaint.

VIII. Provided nevertheless, that in case the Clerk shall be dissatisfied with the determination of the Inferior Court, he may appeal to the Court appointed for hearing and trying Appeals and Writs of Error in the District, in which case there shall be a trial de novo; where, if the suspension of the Inferior Court shall be confirmed, the said Clerk shall ever after be rendered incapable of acting as Clerk in any Court of Justice in this Province.

IX. And be it further Enacted by the Authority aforesaid, that every Act and Acts of Assembly now in force allowing Fees to the Clerks of the Inferior Courts within this Province so far as comes within the purview of this Act, are and shall be henceforth repealed and made void.

X. And be it further Enacted by the Authority aforesaid, that this Act shall continue and be in force for and during the Term of one Year, and from thence to the End of the next Session of Assembly and no longer.

CHAPTER VI.

An Act to prevent the Pernicious Practice of Hunting with a Gun in the Night by Fire Light.

Whereas many Persons not disposed to pursue some honest employment in order to obtain a Subsistence, under pretence of hunting for deer in the night by Fire light, kill Horses and Cattle to the Great Injury of the property of others.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That if any Person or Persons shall be discovered hunting in the Woods with a gun in the Night time, by Firelight, such Person or Persons, upon due conviction thereof, to be had in the Inferior Court of the County where such offence is committed, and such Inferior Court is hereby declared to have full and compleat Jurisdiction of such offence and is empowered to Adjudge and sentence such Pains, Penalties, Fines and Forfeitures as are hereby to be inflicted in such Cases, shall forfeit and pay ten Pounds Proclamation Money, one half thereof to the Informer and the other half to the use of the Parish where such Offence was committed, and in case the Offender or Offenders refuse or shall not on such Conviction have wherewithall to satisfy such fine, he shall be committed to and Continue in Gaol for the space of two Months without Bail or Mainprize, or for such Space of time until he shall satisfy and pay the said Sum of Ten Pounds; Provided nevertheless, that if Complaint be not made within Three Months after the Offence committed, the person or persons offending shall be discharged and freed from any of the penalties by this Act inflicted.

II. And be it further Enacted by the Authority aforesaid, that the proceeding to be had upon such offences in the said Inferior Court shall be by Indictment or Information and subject to the same rules and regulations as in other cases of Prosecution for Criminal Offences in such Inferior Courts.

III. And whereas from the Circumstances of Secrecy which Attend the perpetration of such Offences, it is in most instances impracticable to convict Offenders by indifferent Testimony, Be it therefore Enacted, by the Authority aforesaid, That when more persons than one are engaged in the Commission of such offence, it shall and may be lawful for one of them to give Evidence against any one or all others concerned, and his Testimony shall be held

and deemed to be as effectual and shall have equal weight as if given by any Person perfectly disinterested and innocent of the offence giving like Information of the same Facts, Subject in other respects to the General rules of Law respecting Witnesses, and such Witness upon giving such information and after due conviction of one or more such offenders shall be acquitted and held discharged from all Penalties and Pains to be inflicted by this Act, and shall have equal right to the moiety of the fine heretofore mentioned as other Informers have.

CHAPTER VII.

An Act to amend and further continue an Act, entitled, An Act concerning Vestries.

Whereas "An Act concerning Vestries" made in the Year one thousand seven hundred and Sixty-four, and further continued by an Act made in the year one thousand seven hundred and Sixty-eight, will expire with the end of this Session of Assembly and it being necessary that the said Act should be amended and further continued,

I. Be it therefore Enacted by the Governor, Council and Assembly and by the Authority of the same, that the said above recited act and every Clause and Article therein, be and continue in force for the Term and Space of Ten Years from and after the passing hereof, and from thence to the end of the next Session of Assembly and no longer.

CHAPTER VIII.

An Act to oblige Vessels having infectious Distempers on Board to perform their Quarantine.

Whereas the Laws now in force for compelling Vessels coming into this Province from places infected with the Plague, small pox or other infectious Distempers, to perform Quarantine are found insufficient for the purposes intended, for remedy whereof.

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, that from and after the passing of this Act the master or Commander of every Vessel coming in at any Inlet in this Province (except Capefear) before he proceeds with his said Vessel to any other part of this Province, shall go on shore and make Oath before some Officer of the Customs, who is hereby authorized and empowered to administer the said Oath to such Master or Commander, whether he hath any contagious Distemper on board such his Vessel or not, under the Penalty of Fifty Pounds Proclamation Money, and the Pilots attending the said Bars or Inlets are hereby commanded and required, not to proceed with any Vessel further than some convenient place to the Collectors, Comptrollers or Naval Officers Office until such Master, or Commander of a Vessel shall go on shore as aforesaid and declare upon Oath before an Officer of the Customs as aforesaid, and until a permission and Certificate be given by the said Officer of the Customs for that purpose, under the like Penalty of Fifty Pounds Proclamation Money, for which Oath and Permission the said Officer of the Customs shall and may take and receive from the Captain or Commander of such Vessel the sum of two Shillings & Eight pence, Proclamation Money.

II. Provided nevertheless, that nothing herein contained shall debar or hinder the master or Commander of any Vessel coming into this Province to

proceed with his said Vessel to some convenient Place where he may resort to an officer of the Customs to obtain the Permission and Certificate aforesaid.

III. And be it further Enacted by the Authority aforesaid, that if it shall happen that any such Vessel shall have any contagious Distemper on board, such Officer of the Customs shall order the said Vessel to lie at such place as he may think proper until further Orders shall be given by the Governor or Commander in Chief for the time being, or any two Justices of the Peace, who is and are hereby authorized and impowered to give such Direction for the said Vessel and her Crews performing Quarantine and at such Place as he or they shall think necessary, and if any Master or Commander of a Vessel so ordered to perform Quarantine shall not obey the said Order such Master or Commander shall forfeit the sum of Five Hundred Pounds Proclamation Money, to be recovered by Action of Debt in any Superior Court of this Province, and applied one half towards the Contingent Charges of Government and the other half to the Informer.

IV. And be it further Enacted by the Authority aforesaid, that if any Person, Marriner or Passenger on Board any Vessel ordered to perform Quarantine shall presume to desert or come on shore from the said Vessel until he or she hath fully performed such Quarantine, without licence in writing from the Commander in Chief for the time being, or two Justices of the Peace, such Person shall forfeit and pay Fifty Pounds, Proclamation Money, and if any Person or Persons not belonging to the said Vessel shall presume to go on Board the same before she hath fully performed Quarantine, without License first had and obtained in writing under the Hand of the Governor or Commander in Chief for the time being, or Two Justices of the Peace, such Person shall be compelled to stay on Board during the whole time under the like Penalty of Fifty Pounds.

V. And be it further Enacted, by the Authority aforesaid, That if the Master or Commander of any Vessel directed to perform Quarantine as aforesaid, shall suffer any Goods imported in such Vessel to be landed or put into any other Vessel or Boat in any place within this Province during the time of such Quarantine, or until the said Vessel shall be discharged, such Master or Commander shall forfeit and pay the Sum of Two Hundred Pounds, Proclamation money.

VI. And be it further Enacted by the Authority aforesaid, that all Fines and Forfeitures mentioned in this Act, the mode of recovery and application whereof is not particularly ascertained, shall be recovered by action of Debt in any of the Superior Courts of this Province and applied one-half to the Person or Persons who shall sue for the same, and the other half to the Contingencies of Government.

VII. And for the more effectual preventing the Spreading of Infectious Distempers; Be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Inferior Court of the Counties of Craven, Perquimans, Chowan, Tyrrel, Martin, Bertie, Pasquotank, Currituck, Hertford, Carteret, Dobbs, and they are hereby Authorized and impowered to lay a poll Tax on the Inhabitants of the said Counties respectively for the raising a sum not exceeding One hundred pounds for building proper pest houses at such place as they shall think proper and the money raised by the said poll Tax the Justices of the aforesaid Courts are hereby directed to apply to the purposes before mentioned.

VIII. And be it further Enacted by the Authority aforesaid, that this Act shall be and continue in force for and during the term of three Years, and from thence to the end of the next Session of Assembly and no longer.

CHAPTER IX.

An Act for Enlarging the Time of Saving Lots in the Town of Windsor, for erecting a Court House, Prison and Stocks for the County of Bertie, in the said Town, and other purposes.

Whereas from many unavoidable Hindrances and disappointments, it hath been found impracticable for the Inhabitants of the Town of Windsor, to Compleat their Buildings, on their respective Lots, within the time limited by Law.

I. Be it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same, That every lot in the said town on which a House shall be built of the dimentions mentioned in an act of Assembly entituled an "Act for establishing a Town on the Lands of William Gray on Cashi River, in Bertie County," within two Years after the passing of this Act, and also every lot therein which shall be hereafter sold or conveyed by the directors or Commissioners of the said Town, on which such House shall be erected and built, within the space of Two Years after the date of the Conveyance executed for the same, shall and is hereby declared to be vested in the Grantee thereof his Heirs and Assigns in Fee Simple, anything in the said Act contained to the Contrary notwithstanding.

II. And be it further Enacted by the Authority aforesaid That when any Lot in the town shall Lapse, by reason of its not being built upon; The Directors or Commissioners of the said Town or a Majority of them, shall and may, and they are hereby directed, impowered, and required to Sell such Lot at Public Vendue, for the best price that can be got, and the money arising from such Sale to be vested in the directors or Commissioners for the use of the said Town, and the directors or Commissioners shall give the purchaser of every such Lot a Deed of Bargain and Sale for the Lot by him so purchased.

III. And whereas the suffering of Hogs to run at large in the said Town is found to be injurious to the properties of the Inhabitants thereof; Be it therefore Enacted by the Authority aforesaid, That none of the Inhabitants of the said Town shall one month after the passing of this Act, suffer any of their Hogs to run at large within the Bounds of the said Town, and any hog or hogs running at large, shall be forfeited to the Commissioners, and the same, by an Order from One of them, under his Hand, directed to the Constable to be by him sold to the highest Bidder, for the benefit of the said Town.

IV. And whereas divers of the subscribers for Lots in the said Town, have neglected to pay the several Sums by them Subscribed, whereby William Gray, Esquire, the original Proprietor of the said Lands, whereon the said Town is erected, is greatly Injured; Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful for the said William Gray, his Heirs and Assigns to demand payment for the several Sums which are still due and owing to him for Lots in the said Town, and in case any person from whom the same is due, shall refuse or negelect to pay the same, it shall and may be lawful for him the said William Gray, his Heirs and assigns, to recover all such Sums with Costs, by Warrant from a Justice of the Peace, who is hereby impowered to give Judgment and award Execution for the same, in the same manner as in the Case of Warrants for the recovery of other Debts, any Law Usage or Custom to the contrary notwithstanding.

V. And whereas the Court House and Prison in the County of Bertie aforesaid, are in a ruinous condition, and the Justices of the said Court and the Officers and Suitors, Jurors and others whose attendance at the same is

by Law required, are subject to great hardships and inconveniences for want of proper accommodation and Entertainment at the place where the said Court House now stands, For Remedy whereof; Be it Enacted by the Authority aforesaid, That from and after the first day of June next, the Court for the said County, shall be constantly held, on the days and times by Law appointed, at the town of Windsor aforesaid, any Law Usage or Custom to the contrary notwithstanding.

VI. And be it further Enacted by the Authority aforesaid, That after the aforesaid first day of June all appearances and returns of process, shall be made to the said Court, in the Town of Windsor aforesaid.

VII. And whereas it will be necessary to erect a Court House, Clerk's Office, Prison, Pillory and Stocks in the said Town of Windsor, Be it therefore Enacted by the Authority aforesaid, That William Gray, Thomas Ballard, Thomas Clarke, Zedekiah Stone & David Stanley, Gentlemen, be and they are hereby nominated and appointed Trustees and directors for building a good and convenient Court House and Clerks Office, and a sufficient Prison, Pillory & Stocks for the use of the said County, and that they, or a Majority of them, Contract and Agree with proper persons for compleating and finishing the same in such manner as they shall think necessary and convenient.

VIII. And be it further Enacted by the Authority aforesaid, That a Poll Tax of three Shillings be levied on each Taxable person in the said County for the space of two Years, to be collected by the Sheriff of the said County and accounted for to the said Trustees and directors, at the same time, in the same manner, and under the like penalties, as by Law is directed for Collecting, Accounting for, and paying Public Taxes.

IX. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, the said Trustees and directors, or a majority of them are hereby directed and impowered to sell and dispose of, for the best price that may be had, the old Court House, Prison and Public Warehouse and the Acre of Land on which the Public Buildings now stand on Cashi River and apply the monies arising from such Sale towards defraying the expence of Building & erecting the said Court House, Clerk's Office, Prison, Pillory and Stocks.

X. And be it further Enacted by the Authority aforesaid, That before the said Trustees and directors shall enter upon the said Trust, or take into their hands any of the monies aforesaid, they shall enter into Bond in the sum of One Thousand pounds proclamation money, payable to the Justices of the said County and their Successors, with Condition for the faithful discharge of the several Trusts in them reposed by this Act, and that they will from time to time and at all times, when they shall be called upon, lay a just State of their transactions before the Inferior Court of the said County, or such Person or Persons, as the said Court may appoint to inspect and report the same, which Bond shall be lodged with the Clerk of the said Court.

XI. And be it further Enacted by the Authority aforesaid That if the Tax or Monies arising in Virtue of this Act, shall be more than Sufficient to compleat the Buildings herein directed, the surplus thereof shall be applied by the said Court, towards defraying the Contingent charges of the said County.

CHAPTER X.

An Act for Vesting in Persons therein named two acres of Land at Bellville, in Currituck County, as Trustees for erecting a chapel thereon, and for enclosing a burying Ground.

Whereas many religious and well disposed Persons in this Province have agreed among themselves to build and endow a decent and commodious Chappel for the performance of divine Worship according to the forms of the Church of England by Law established, and to inclose a certain piece of Ground contiguous thereto for the purpose of a Burying place, and to provide a fund for the maintenance of the poor.

I. Be it therefore Enacted by the Governor, Council and Assembly and by the Authority of the same, That two Acres of Land (now the property of Thomas McKnight, Esquire) situated in the County of Currituck at a place called Bellville, and bounded as follows, Vizt: Beginning at a Cedar Stake and running thence by a line of stakes round the said two acres to the first station, be and is hereby vested in Thomas Macknight, Isaac Gregory, James Parker, Francis Williamson, Soloman Perkins, William McCormick, Neil Snodgrass, William Ferebee, and Thomas King, Esquires, and their successors forever, who are hereby constituted and appointed Trustees for the purposes hereinafter mentioned, that is to say, To inclose the said two acres of Land and to build thereon a commodious and decent Chappel to be called and known by the name of Saint Martin's Chapel. And to receive and take all such voluntary subscriptions and donations as religious and public spirited Persons may think proper to bestow for the purpose of Building and Endowing the said Chappel, for inclosing of the burying ground, and providing a fund for the maintenance of the poor.

II. And the said Trustees and their successors are hereby impowered to agree with and employ, from time to time, a Minister of the Church of England duly admitted into Priest's Orders and of approved morals, to perform Public Worship according to the Rites and Ceremonies of the Church of England, and from time to time to make and ordain such Rules, Orders and Regulations for the good government of the said Chappel, and disposal of the funds belonging thereto, towards promoting the religious, public spirited and charitable intentions of the Proprietors (hereinafter described) for the time being, and of the donors to the said Chappel and fund for the maintenance of the poor, provided such Rules, Orders and Regulations be not repugnant to the Laws of Great Britain or this Province.

III. And be it further Enacted by the Authority aforesaid, that the consent of the major part of such Trustees shall be competent to the doing or performing any Act to which they are impowered by this Law, and provided also that when anything of consequence is to be transacted or determined the said Proprietors shall be summoned to meet at the Chappel by public notice given there for two Sundays preceding the time of meeting and the consent of the major part of them so meeting shall be necessary to inforce the Rules, Orders and Regulations of the Trustees.

IV. And be it further Enacted by the Authority aforesaid, that on the Death or Resignation of any of the Trustees, before named or their successors, it shall and may be lawful for the majority of the said Proprietors to elect and choose another Trustee or Trustees in the room or stead of him or them so dying or resigning.

V. And be it further Enacted by the Authority aforesaid, that every Person subscribing and Paying such a Sum as the majority of the Subscribers shall agree upon, with the consent of the Trustees, shall be deemed and

held a proprietor in the said Chappel and Burying Ground, and shall have full power to erect a Pew in such part of the said Chappel as shall be laid off and assigned to such Proprietor by the Trustees for the use of the said Proprietor and his heirs and assigns forever.

VI. And be it further Enacted by the Authority aforesaid, That the Proprietors of the said Chappel or a majority of them, are hereby impowered to elect and choose a Treasurer who shall give Bond and Security to the Trustees and their successors for such sum as shall seem necessary, with a condition that he shall account with, and pay to, the order of said Trustees as often as he shall be by them or a majority of them required, all monies or other Estate as shall come to his hands for the uses and purposes aforesaid.

VII. And be it further Enacted by the Authority aforesaid, That the Trustees, or a majority of them, be from time to time impowered to choose a Clerk or Register of the said Chappel to Register the conveyance of the property in the said Chappel and Burying ground, and also all marriages, Christnings and Burials which shall be administered, solemnized or performed by the Minister serving the cure of the said Chappel, and to remove the said Clerk at their discretion.

VIII. And be it further Enacted by the Authority aforesaid, that nothing in this Act contained shall be deemed or construed to exempt any of the Proprietors of, or Subscribers to the said Chappel or Endowment thereof, from any Parish Charges or duties in the respective parishes where he, she or they shall be registered.

IX. Provided that nothing contained in this Act shall impower the Trustees or their Successors to erect any Building or to appropriate the said two Acres of Land or any part thereof, to any other purpose or use whatever, than what is declared in the title of this Act.

CHAPTER XI.

An Act for the more effectual obtaining an exact List of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their Taxes, and for other purposes therein mentioned.

Whereas the provision heretofore made by an Act of Assembly passed at New Bern the 5th day of December, in the Eleventh year of His Present Majesty's Reign entitled "An Act for obtaining a true and distinct list of the taxable persons in the town of New Bern, and to impower the Sheriff to collect the town taxes due from the inhabitants of the said town," has not answered the purposes intended, for remedy whereof,

I. Be it enacted by the Governor, Council and Assembly and by the Authority of the same, that the Commissioners of the said town of New Bern for the time being, or a majority of them, shall on the first Monday of July annually after the passing of this Act, nominate and appoint one of their number to take a list of taxables for that year, and give Public Notice thereof by advertisement to the inhabitants of the said town to appear before such Commissioner so appointed and give a list of his, her or their male taxables upon Oath, which Oath the said Commissioner is hereby authorized to administer. And the Person or Persons, neglecting or refusing to enlist his, her or their taxables within thirty days after notice given as aforesaid, shall forfeit and pay the sum of forty shillings, Proclamation Money, for each and every taxable he, she or they shall neglect or fail to enlist and shall be

also liable to pay a tax for every taxable so omitted or neglected to be enlisted, to be recovered before any magistrate of Craven County at the suit of the Commissioners for the use of the town, which Magistrate is hereby authorized and empowered to hear, determine and give judgment thereon and to award execution against the Body or Goods and Chattels of the Defendant.

II. And be it further enacted by the Authority aforesaid, that the Commissioners of the said town for the time being, shall annually cause a fair copy of the list of taxables to be taken in virtue of this Act, to be entered by the Clerk of the said town in a Book to be kept for that purpose for the use of succeeding Commissioners and other Persons concerned, under the Penalty of Fifty Pounds Proclamation Money, to be recovered by action of Debt in any Court of Record having cognizance thereof, one half to the Informer the other to the use of the said town.

III. And be it further enacted by the Authority aforesaid, that if the Commissioners of the said town shall neglect or refuse to appoint one of their number on the first Monday in July annually, to take a list of taxables as aforesaid, they shall forfeit and pay the sum of Twenty Pounds Proclamation Money, to be recovered by Action of Debt in any Court of Record having Cognizance thereof, one half to the Informer the other half to the use of the said town, and in case of such neglect or refusal as aforesaid at the time aforesaid, the said Commissioners or a majority of them are hereby impowered to make such appointment at any other time in the said month of July annually, anything herein contained to the contrary notwithstanding.

IV. And whereas the former method of collecting the town taxes by the Sheriff hath been found inconvenient, be it therefore enacted by the Authority aforesaid, that the Commissioners or a majority of them shall annually, at the time of their laying the town tax, nominate and appoint a proper Person to collect the town taxes to whom shall be delivered a fair copy of the list of taxables taken for that year agreeable to this Act. And the Person so appointed before he enters on the execution of his office shall enter into Bond with sufficient security in the sum of Five Hundred Pounds, to the Commissioners and their successors, for the faithful discharge of his Duty, which said Bond and Security the Commissioners aforesaid are hereby impowered and required to demand and to take and cause to be recorded amongst the records of the said town. And if the Person so appointed shall refuse to serve or fail to give security as aforesaid, the said Commissioners are hereby authorized and required to appoint any other Proper Person who may be willing to act and enter into bond with security, as aforesaid. And the said Collector so appointed shall and is hereby impowered and directed to collect the taxes assessed by the Commissioners of the said town, or a majority of them, and to account on oath for, and pay the same to the said Commissioners on or before the tenth day of April yearly, after deducting eight per cent. Commissions for his trouble and expense in making the said Collection, and if any Collector shall neglect or refuse to account for on Oath and pay the several taxes that shall be assessed after the passing of this Act on the taxables of the town aforesaid wherewith he is chargeable, according to the directions of this Act, after deducting his commissions and allowance for Insolvents (which allowance the Commissioners of the said town or a majority of them are hereby impowered to make), it shall and may be lawful for the Superior Court of New Bern District or the Superior Court of Craven County (respect being had to the Jurisdiction) on motion of the Commissioners or a Majority of them, to give Judgment against such Collector and his Securities for all the money

wherewith he shall or may be chargeable to the town, with Costs, and, thereupon to award Execution against the Body, Goods and Chattels, Lands and tenements of such Collector and his Securities; Provided always, the Collector shall have ten days previous notice of such motion.

V. And be it further Enacted by the Authority aforesaid, that if the Inhabitants who are liable to pay the town taxes, neglect or refuse to pay the same in thirty days after the tax is laid by the Commissioners it shall and may be lawful for the Collector to levy the same by Distress and sale of the Offenders Goods and Chattels, first giving ten days notice of such sale at the Court House and Church in the said town, and shall take and receive for his trouble two shillings and eight pence, and after deducting the taxes due and fee for Distress, the overplus of the Goods and Chattels sold shall be returned to the owner.

VI. And whereas many of the taxes laid by the Commissioners of the said town or the Inhabitants thereof, for several years past remain uncollected and the late Sheriffs are in doubt whether they are by the Laws now in force enabled to distrain for the same.

VII. Be it Enacted by the Authority aforesaid, that the said Sheriffs of the County of Craven are hereby declared to have the same Power to make Distress on all Persons who are in arrear for taxes to the said town as they are entitled to make in collecting other taxes.

VIII. And be it further Enacted by the Authority aforesaid, that no Person in the said town shall hereafter be subject to the payment of the town taxes until he hath resided three months in the said town next before the time of enlisting taxes therein.

IX. And whereas it is represented to be of pernicious consequence to permit the Corder of Fire Wood in the said town to buy more of that article than is sufficient for his own particular consumption, Be it therefore Enacted by the Authority aforesaid, that from and after the passing of this Act no person appointed or to be hereafter appointed to measure or cord Fire Wood in the said town shall during his or their continuance in such office, directly or indirectly, buy or receive by way of bargain, loan or exchange, or by any other ways or means any Fire Wood except for his or their own particular use in his or their own family, under the penalty of five shillings for every Cord or less quantity so bought or received contrary to the meaning of this Act, to be recovered before any Justice of the Peace for the use and at the suit of any Person that will sue for the same; and for the second offence shall be subject to the penalty aforesaid and be suspended from his office of Wood Corder for the said town and forever afterwards be disabled to act as Corder of Wood in the said town.

X. And be it further Enacted by the Authority aforesaid, that the before recited Act "Intituled An Act for obtaining a true and distinct List of the taxable Persons in the town of New Bern and to empower the Sheriff to collect the town taxes due from the Inhabitants of the said town" and so much of any other Act or Acts as comes within the purview of this Act shall from and after the passing hereof, be repealed and made null and void.

XI. And Be it further Enacted by the Authority aforesaid, that this Act shall be and continue in force for and during the term of Two Years and from thence to the end of the next session of Assembly and no longer,

CHAPTER XII.

An Act for appointing Commissioners for building a Court House, Prison and Stocks for the County of Tryon, and for establishing a Boundary Line between the Counties of Tryon and Mecklenburg.

Whereas, the Commissioners heretofore by Law appointed for erecting and building a Court house, prison and stocks for the County of Tryon by reason of the South boundary line, have neglected to discharge the trust reposed in them within the time limited; and whereas the money collected from the inhabitants of the said County for that purpose remain in the hands of the Sheriffs and other persons, unappropriated.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That William Moore, John Walker, Abraham Kucandall, Charles MacLaine, Christian Carpenter and John Hill or a Majority of them, be and they are hereby appointed Commissioners and invested with the same powers and Authorities as any the Commissioners heretofore appointed and are hereby declared to have full power and Authority to demand, sue for, recover and receive from the said Sheriffs or any other persons all such sums of Money as hath been or shall be collected and received from the Inhabitants of the said County for the purposes aforesaid, any Law to the Contrary notwithstanding. And if the Tax heretofore imposed for erecting and building a Courthouse, prison and Stocks in the County of Tryon shall be found insufficient, it shall and may be lawful for the Justices of the said County and they are hereby impowered at the time of laying the County Tax to lay a Tax not exceeding two shillings on each Taxable Person within the said County of Tryon, which Tax shall be collected and Accounted for by the Sheriff of the said County in the same manner and under the same pains and penalties with respect to the Sheriff as other County Taxes.

II. And whereas sundry disputes have arisen relative to the Boundary line between the said County of Tryon and the County of Mecklenburg, to prevent which for the future, Be it Enacted by the Authority aforesaid, That the River Catawba be and is hereby declared the Boundary line between the said Counties.

CHAPTER XIII.

An Act for Dividing the Parish of Edgecombe, in the County of Halifax, into two Distinct Parishes.

Whereas, the Parish of Edgecombe, in the County of Halifax, is of such large extent that no Minister can conveniently serve the Cure thereof,

I. Be it enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act the said Parish of Edgecombe shall be divided as follows, to-wit: Beginning at Richmond's old place, on Roanoke River, then along Richmond's old road to White Hall road, thence up White Hall Road to the Beach Swamp Bridge, thence a straight course to Thomas Daniels on Fishing Creek; and that all that part of the said Parish of Edgecombe, as it stood intire and undivided before the passing of this Act, which lies to the Eastward of the aforesaid Bounds, shall retain the name of Edgecombe and be one Distinct Parish, and that all that part of the said Parish which lies to the Westward of the said Bounds shall be one Distinct Parish and be called by the name of Elizabeth, and be exempt from all Dependancies, Officers Charges or Constitutions, for or in Respect

of the said Parish of Edgecombe, and all other Parochial duties whatsoever relating to the same, and shall and may, from time to time, have, hold, and exercise the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges as other Parishes in this Province.

II. And be it further enacted by the Authority aforesaid, that the Vestry of the aforesaid Parish of Edgecombe, as it stood entire and undivided before the passing of this Act, shall from henceforth be and is hereby dissolved and made void, to all Intents and Purposes, and the Freeholders of the said Parish of Edgecombe, as the same now stands divided from the aforesaid Parish of Elizabeth, shall and are hereby impowered and required to meet at the Court House of the said County of Halifax on the first Monday in May next, then and there to elect and choose twelve Freeholders of the said Parish to serve as Vestrymen of the same, and the Freeholders of the said Parish of Edgecombe shall and they are hereby impowered and required to meet at the Church near Conneconary, in the said Parish, on the second Monday in May next, then and there to Elect and choose twelve Freeholders of the said Parish to serve as Vestrymen of the same, which Elections shall be made by the Sheriff of the said County of Halifax, and the like Rules and Regulations, Pains and Penalties, as well in respect to the said Sheriff as the Freeholders of the said Parishes, as other Elections of Vestries in this Province are by Law appointed to be made, and the said Freeholders so elected for the said Parishes respectively, within forty days after being elected shall, before a Magistrate of the said County of Halifax, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and subscribe the declaration directed to be made by the Act of Assembly, Intituled "An Act concerning Vestries," and also repeat and subscribe the test, and shall be and are hereby declared, from thence forth to be the Vestries of the said Parishes respectively, until the usual time of Electing Vestrymen in other Parishes, and shall and may and are hereby required to exercise and use the same Powers and Authorities as other Vestries in this Province may, can or ought to exercise, and shall be liable to the same penalties and forfeitures as other vestries or Persons elected Vestrymen are in any manner subject to, and the Vestrymen of the said Parishes respectively, or a Majority of them, when Qualified as aforesaid, shall choose Churchwardens for the said Parishes who shall continue in office until the usual time of electing Churchwardens in the ensuing year, at which time the said Vestries shall choose other Churchwardens.

III. And be it further Enacted, by the Authority aforesaid, that the said Vestries respectively, shall and are hereby required to lay a Tax on the Taxable Persons in their respective Parishes sufficient to defray the Contingent charges of them for the present year, which Taxes shall be collected, accounted for and paid in the same manner as other Parish Taxes, any Law to the contrary, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the Vestry of the said Parish of Elizabeth shall and may take, receive and keep to the use of the said Parish, all such sum or sums of Money as have been collected of the taxes imposed and laid by the present Vestry of the Parish of Edgecombe, and shall stand chargeable to the several Creditors of the same for all Debts, Dues and Demands, now owing from the said Parish, except such Debts as were owing from the said Parish of Edgecombe, at the Commencement of the present Vestry of the said Parish, which said Debts shall be paid by the said Parishes of Edgecombe and Elizabeth in Proportion to the number of Taxables in them respectively, at the time of passing this Act.

V. And be it further Enacted, by the Authority aforesaid, that John Bradford, Egbert Haywood and William Lane, Esquires, or any two of them, be and are hereby appointed Commissioners to lay off and mark the said dividing Line.

CHAPTER XIV.

An Act for establishing the Court House in the Town of Charlotte, in Mecklenburg County, and for regulating the said Town.

Whereas, by an Act entitled an Act for dividing the County of Mecklenburg and other Purposes, The Court of the County was directed to be held in the Courthouse then Built during the Term of Seven Years, which said Term is near expiring, and it having been represented that the removal of the Seat of the Court from the said Courthouse and the disposal of the same agreeable to the before recited Act, would be inconvenient to many of the Inhabitants of the said County and discourage the Trade and Commerce of the said Town.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the Passing of this Act the said Courthouse already built in Charlotte Town be, continue and remain the Courthouse of the said County of Mecklenburg and the Inferior Court of the said County shall hereafter be constantly held therein; any thing in the said Act contained to the Contrary notwithstanding.

II. And whereas the frequent firing of Guns, Running Horse Races and playing at Long Bullets in the said Town is found to have a dangerous Tendency to prevent which,

III. Be it Enacted by the Authority aforesaid, that from and after the passing hereof no Person whatsoever shall shoot with a Gun except it be to kill Cattle or Hogs, or immoderately ride or strain any horse or horses, or play at Long Bullet within the Limits of the said Town under the Penalty of paying the Sum of Twenty Shillings for each Offence, to be recovered by a Warrant before any Justice of the Peace of the said County, by one of the Trustees.

IV. And whereas by an Act for Establishing a Town in Mecklenburg County, every Person having a deed for any Lot in the said Town of Charlotte is required to Build a house of the dimensions in the said Act specified within three years after the date of the Conveyance for the same, which is found to be injurious to the Inhabitants of the said Town.

V. Be it Enacted by the Authority aforesaid, That no Person or Persons shall forfeit his or their Lot or Lots for not building on the same, except such Lots shall front on one of the Main Streets in said Town, any Law Usage or Custom to the contrary notwithstanding.

VI. And be it further Enacted by the Authority aforesaid, That every Taxable Person in the said Town shall be obliged to work on the Streets thereof six days in every year if required by the Overseer, or find some Person to work for him, under the Penalty of Five Shillings for every day he shall refuse or Neglect, to be recovered as is herein before directed.

VII. Whereas some of the Trustees of the said Town are Dead and others removed out of the Province, Be it Enacted by the Authority aforesaid, That Jeremiah McCafferty, Robert Elliot, William Paterson and Isaac Alexander be added to the Trustees formerly appointed and they are hereby invested with the same Powers and Authorities as the other Trustees, anything to the Contrary notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That all fines arising in virtue of this Act shall be applied towards clearing and repairing the Streets in the said Town of Charlotte.

CHAPTER XV.

An Act for dividing the Parish of St. Mary's, in the County of Edgecombe, into two distinct Parishes.

Whereas the Parish of St. Mary in Edgecombe County is of such large extent that no Minister can conveniently serve the cure thereof.

I. Be it Enacted by the Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this Act the said Parish of St. Mary shall be divided as follows, to-wit, Beginning at James Canes on Fishing Creek, thence to Redmund Bunn's on Tar River, and from thence to Christian Roes Ferry on great Contentney; and all that part of the said Parish of St. Mary, as it now stands entire and undivided, which lies to the Eastward of the aforesaid Bounds, shall retain the name of St. Mary, and be one distinct Parish, and all that part of the said Parish, which lies to the Westward of the said Bounds shall be one distinct Parish and be called by the name of Elizabeth and be exempt from all dependencies, offices, Charges or Contributions for or in respect of the Parish of St. Mary and Parochial duties whatsoever relating to the same, and shall and may from time to time have, hold and exercise the like authorities and Powers and possess and enjoy the same immunities and Privileges as other Parishes in this Province.

II. And be it further Enacted by the authority aforesaid, That the Vestry of the aforesaid Parish of St. Mary as it now is entire and undivided, shall from henceforth be, and is hereby Dissolved and made Void to all intents and Purposes; and the Freeholders of the said Parish of St. Mary, as the same shall stand divided from the Parish of Elizabeth, shall and are hereby impowered and required to meet at the Court House of the said County of Edgecombe on the first Tuesday in May next, then and there to elect and choose twelve Freeholders of the said Parish to serve as Vestrymen of the same; and the Freeholders of the said Parish of Elizabeth shall and they are hereby impowered and required to meet at the House of Saml. Carters in the said Parish on the Second Tuesday in May next, then and there to elect and choose twelve Freeholders of the said Parish to serve as Vestrymen of the same, which Elections shall be made by the Sheriff of the said County of Edgecombe or his Deputy, under the like Rules and Restrictions, Pains and Penalties as well in respect to the said Sheriff as the Freeholders of the said Parishes, as other Elections of Vestries in the Province are by Law appointed to be made, And the said Freeholders so Elected for the said Parishes respectively, within Forty days after being elected, shall, before a Magistrate of the said County of Edgecombe, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, repeat and Subscribe the declaration directed to be made by the Act of Assembly concerning Vestries, and also repeat and Subscribe the Test, and shall be, and are hereby declared from thenceforth to be the Vestries of the said Parishes respectively, until the usual time of electing Vestrymen in other parishes and shall and may and are hereby required to exercise and use the same Powers and authorities as other Vestries in this Province may, can or ought to exercise, and shall be liable to the same Penalties and Forfeitures as other Vestries or persons elected Vestrymen, are in any manner Subject to; and the Ves-

trymen of the said Parishes respectively or the Majority of them, when qualified as aforesaid shall choose Church Wardens for the said Parishes who shall continue in office until the usual time of electing Churchwardens in the ensuing Year at which time the said Vestries shall choose other Church-Wardens.

III. And be it further Enacted by the Authority aforesaid, That the said Vestries respectively shall, and they are hereby required, to lay a Tax on the Taxable Persons in their respective parishes, Sufficient to defray the contingent Charges of them for the present Year; which Taxes shall be collected, accounted for and paid in the same manner as other Parish Taxes, any Law to the contrary notwithstanding.

IV. And whereas the Parish of St. Mary is in arrears to sundry Creditors and in order that the same may be satisfied and paid, Be it therefore Enacted by the Authority aforesaid, That the said Parish of St. Mary and the said Parish of Elizabeth as they now stand divided by this Act shall equally in proportion to their respective number of Taxables, be chargeable with and liable to the payment of all such sum or sums of money as are now due from the said Parish of St. Mary, and the vestry of each of the said Parishes respectively are hereby impowered and required to lay such a Tax on the Taxable Persons in their respective Parishes as shall be sufficient to pay their proportionable part of the said Arrears, and the said Tax so laid shall be collected and accounted for in the same manner as other parish Taxes are, anything herein contained to the contrary notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That Sherwood Haywood, William Horn & Etheldred Exum or a Majority of them, are hereby appointed Commissioners for marking the dividing line between the said Parish of St. Mary and Parish of Elizabeth.

CHAPTER XVI.

An Act to amend an Act for the laying out a Town on the Lands of Richard Evans in Pitt County, by the Name of Martinborough, and for removing the Court House, Prison and Stocks into the said Town.

Whereas, by the before recited Act it is enacted that Richard Evans should signify his Consent in open Court before the Commissioners should proceed to lay out said Town, which was not complied with in the life time of the said Richard Evans, and Susannah Evans, the Widow and Relict of the said Richard Evans, in whom the fee simple of the said Lands was vested after his death, in order to comply with the Intention of the said Act hath conveyed the said Lands to the Commissioners of the said Town for the purposes in the said Act expressed.

I. Be it therefore enacted by the Governor, Council and Assembly and by the Authority of the same, that the Land laid out and appropriated for the said town by the Commissioners mentioned in the Act aforesaid, shall be and is hereby declared as effectual as if the Consent of the said Richard Evans thereto had been previously obtained, and that all Deeds and Conveyances made by the Commissioners aforesaid of any Lot or Lots in the said Town, shall be and are hereby declared good and valid in Law to convey the fee simple of the same to the Purchasers, their Heirs and Assigns, forever.

II. And whereas it would be of general utility to the County of Pitt, as well as of singular advantage to the said Town and promote the Trade and

Commerce thereof, if the Court of said County should be held for the future in the said Town on the Days prescribed by Act of Assembly.

III. Be it Enacted by the Authority aforesaid, that Charles Forbes, Henry Ellis, Benjamin May, George Evans and William Roberson, be and hereby appointed Commissioners, and they, or a Majority of them, are hereby authorized and impowered to agree and contract with Workmen to remove the Court House, Prison and Stocks from where they now stand into the said Town of Martinborough on such parts of the lots set apart by the Commissioners for that purpose, as to them shall seem most proper. And the Justices of the said County of Pitt may and are hereby required to hold the Court of said County at the House of Mr. John Lessley in the said Town until the Court House shall be finished at which Time the said Justices shall adjourn the Court to the Court House.

IV. And that a succession of Commissioners may the better be kept up, Be it enacted by the Authority aforesaid, that the Sheriff of the County of Pitt or his Deputy shall on the first Thursday in May, in the Year of our Lord One Thousand Seven Hundred and Seventy-five, before the Hour of 10 o'clock in the morning, open the Poll and receive the Votes of the Freeholders of the said Town for electing five Persons to be Commissioners and shall continue the same so open until Sunset, when he shall proclaim the five Persons who have the greatest number of Suffrages to be Commissioners for the ensuing Year, and in the like manner shall on the first Thursday in May annually, open the Poll, receive the votes and proclaim the Commissioners as before directed, under the Penalty of Fifty Pounds Proclamation Money for every neglect or refusal to comply with the directions of this Act, to be recovered by Action of Debt, Bill, Complaint, or Information in any Court of Record wherein no Assize, Injunction or Wager of Law shall be allowed or admitted, by any Person or Persons who shall sue for the same, one half to the Prosecutor the other half to be applied towards defraying the Contingent charges of Government, which Commissioners so chosen or elected shall have full Power and Authority to remove Nuisances, keep the Streets in repair and make Orders for the good Government of the said Town.

CHAPTER XVII.

An Act to prevent counterfeiting the Paper Money of this and the other British Colonies, and to prevent counterfeiting the Gold and Silver Coin circulating in this Province.

Whereas, the want of a sufficient quantity of circulating Specie to answer the purposes of Commerce or the exigencies of Government hath induced this, and most others of the British Colonies in America, to circulate certain paper Notes as the representative of Specie to pass in payments for limited Periods, when their redemption is provided for, the Counterfeiting of which is usually made Felony in the respective Governments where they are emitted, but it is supposed that sundry evil minded persons have lately established presses in this Colony for printing Counterfeit Bills of Credit of others as aforesaid and by that means such forged paper is thrown into circulation with greater Facility and Security to the Authors thereof, and it being Judged reasonable that neighbouring Colonies having intercourse in Trade should provide as far as in them lies against the debasing of their medium of Commerce, and Whereas the Laws of this Province for the punishment of those who Counterfeit the Gold and Silver Coin circulating therein are defective.

I. Be it therefore enacted by the Governor, Council and Assembly and by the authority of the same, That if any Person or Persons shall within this Colony prepare, Engrave, Stamp or print, or cause or procure to be prepared, Engraved, Stamped or Printed the Counterfeit resemblance of any Paper money or Debenture Bills which now are or hereafter may be circulated in Payments by Legislative Authority in this or any other British Colony or Plantation in America, with intention that such Counterfeit paper shall be passed in payment, whether the same be so passed or not, or if any Person or Persons shall in this Colony pay, or tender in Payment any such Counterfeit Money, knowing the same to be Forged or Counterfeited, altered or erased, every such Person being Lawfully Convicted shall be adjudged a Felon and shall suffer Death without benefit of Clergy.

II. And be it further Enacted by the Authority aforesaid, That if any Person or Persons in this Province shall Counterfeit or diminish any of the Gold or Silver Coin circulating therein; such Person or Persons so offending shall upon conviction, be adjudged Guilty of Felony without Benefit of Clergy.

III. And be it further Enacted, by the Authority aforesaid, That this Act shall continue & be in force from and after the passing thereof for and during the Term of Five Years and no longer.

CHAPTER XVIII.

An Act directing the Duty of Sheriffs, with Respect to Insolvent Taxables.

Whereas, it is customary for the Inferior Courts of this Province to allow the Sheriffs in the settlement of their Accounts a large Number of Insolvent Taxables annually, which they are not by any Law prevented from afterwards collecting to their own Use, to the great Injury of the Public, and Distress of many poor Families, who for want of Proper Information, are not benefitted or relieved by the Indulgence of the Courts to the Sheriffs on their Accounts: For remedy whereof,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Inferior Court in this Province to allow any Sheriff in the Settlement of his accounts for more insolvent taxables than he shall have expressly named and sworn to, in a List by him then delivered to the Court, to be deposited with the Clerk of the said Court, and kept in his Office for public Inspection; which Clerk shall within ten days from such Settlement, cause a copy of the said list to be put up at the Court House in his county annually, under the penalty of ten Pounds, Proclamation money, for each and every neglect; to be recovered with Costs, by Action of Debt or Information, in any Inferior Court of this Province, and applied, one half to the Use of the Parish where the offence may be committed, and the other half to the Person who shall sue for the same; which Clerk shall be entitled to the sum of twenty shillings for the above Service, to be paid annually, out of the County Tax.

II. And be it further Enacted by the Authority aforesaid, That if after the passing this Act, any Sheriff shall return to Court as Insolvent, the Name of any Person who is not inlisted, or has actually paid his Tax for that Year, or shall presume to collect or receive, by himself or Deputy, from any Person, his Tax for the Year for which he has been returned an Insolvent, such Sheriff shall forfeit and pay for every Offence the sum of Twenty Pounds; to be recovered as is before directed, and applied one-half to the Use of the Parish where the offence shall be committed, the other half to the Party injured, who may sue for the same.

CHAPTER XIX.

An Act to Enforce an Act, entitled, An Act to encourage the destroying of Vermin in the several Counties therein mentioned, passed in the Year One Thousand Seven Hundred and Seventy-three.

Whereas, many Counties in this province not mentioned in the before recited Act are much infested with Wolves and other Vermin to the great prejudice of the inhabitants thereof,

I. Be it therefore Enacted by the Governor, Council and Assembly and by the Authority of the same, That from and after the passing of this Act, the before recited Act and every clause and Article therein shall extend to and be in force in the said Counties of Brunswick, Rowan, Currituck, New Hanover, Tryon, Bladen, Cumberland, Pitt, Duplin, Dobbs, Johnston, in as full and ample manner as in the Counties therein mentioned.

CHAPTER XX.

An Act to amend an Act entitled an Act for repairing the Gaol for the District of Halifax, in the Town of Halifax.

Whereas, the Time limited in the said Act hath expired in which the Commissioners appointed by the same were impowered and required to Agree and Contract with Workmen to repair the Gaol of the District aforesaid.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Commissioners, or a Majority of them, appointed in the said Act, shall and may and are hereby impowered and required, within any convenient time after the passing of this Act, to agree and contract with Workmen to repair the said Gaol in the best and most substantial manner, as is directed by the said recited Act; and that they be and are hereby vested with the same powers and authorities and be subject to the same regulations & restrictions, any Law to the Contrary notwithstanding.

CHAPTER XXI.

An Act for further continuing an Act, intitled an Act for appointing a printer to this Province.

Whereas, an Act of Assembly passed in the Year One Thousand Seven Hundred and Sixty-six, for appointing a Printer to this Province, which said Act was further continued for Three years, will expire with the end of this session of Assembly, and it being necessary that the said Act should be further continued;

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the above recited Act, and every Clause and Article thereof, be and continue in force from and after the Expiration thereof, for and during the Term of one Year, and from thence to the End of the next Session of Assembly.

CHAPTER XXII.

An Act to amend an Act, entitled, An Act for building a Court House in the Town of Salisbury, for the District of Salisbury.

Whereas, the Commissioners appointed in the before recited Act, by

reason of the distance they reside from each other, have neglected to discharge the trust reposed in them by the said Act.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act John Dunn, James Karr, Maxwell Chambers, John Colson, Alexander Martin, Charles McAnnally, Thomas Polk, William Moore, Esquires, be and they are hereby appointed Commissioners in the room and Stead of those heretofore appointed, which Commissioners, or any three of them, are hereby declared to have, possess and enjoy the same powers and authorities and subject to the same Pains and restrictions in every respect as the former Commissioners in and by the said Act had possessed or were subject to, any thing therein contained to the contrary notwithstanding.

CHAPTER XXIII.

An Act to enforce an Act, entitled, An Act for preventing the frequent Abuses in taking up and secreting stray Horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgcombe, Northampton, Hertford, Tyrrel, Craven, and Pitt, in the County of Chatham.

Whereas, it is necessary that the before recited Act should extend to and be in force in the County of Chatham;

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the before recited Act and every Clause and Article therein, together with the Amendment thereof passed in the year one thousand seven hundred and seventy one, shall be extended to and be in force in the County of Chatham in as full and ample a manner as in the Counties mentioned in the said Act.

CHAPTER XXIV.

An Act for appointing Commissioners to erect a Court House, Prison and Stocks in the County of Guilford.

I. and II. *obsolete.*

III. And whereas satisfaction has been made to the said John Campbell, for one acre of land, whereon to erect said public buildings, and to prevent any doubts that may arise in conveying a proper title for the same; Be it further Enacted, by the Authority aforesaid, that the fee simple of the said acre of land shall be, and is hereby declared to be vested in the Justices of the Peace for the said county, and their successors, forever, to the only proper use and behoof of the said county, for the purposes aforesaid; any law, custom, or usage, to the contrary, notwithstanding.

CHAPTER XXV.

An Act to empower the Justices of Anson County to establish free Ferries, and lay a tax for defraying the Charges thereof.

Whereas, the River Pee Dee runs thro' Anson County over which it is necessary for many of the Inhabitants to pass to attend the Courts and other public meetings at the Court House in the said county—expensive to said inhabitants,

I. Be it therefore Enacted by the Governor, Council and Assembly, and

by the Authority of the same, that the Justices of the said County, or any five of them assembled in Court, be and are hereby impowered and required to agree with the owners of the Ferries at the places where Blitts and Masks Ferries are now kept, for such a sum of Money as to them shall appear reasonable, to set over such Ferries any of the Inhabitants of the said County free from any charge whatsoever on any of the days of the sitting of the Court, Election of Members of Assembly or Vestrymen, meeting of Vestry or General Musters of the said County.

II. And be it further Enacted by the Authority aforesaid, That the Justices of the said County are hereby Authorized and required Yearly, and in every Year, at the same time that they lay the County Levy, to lay a Tax not exceeding four pence Proclamation Money on each Taxable Person in the said County, to be collected and accounted for by the Sheriff with the Justices of the said County in the same Manner as any other County Taxes and by them applied to the Discharge of the Contracts by them to be made in virtue of this Act, and the over plus if any, to the contingent Charges of the County.

III. And be it further Enacted by the Authority aforesaid, That the Ferry-men that now are appointed by the said Court to keep Ferry at the places aforesaid, with whom the Justices shall agree as aforesaid, shall be and they are hereby obliged to set over, Ferriage free, any of the Inhabitants of the said County on the days and times aforesaid, under the Penalty of Twenty Shillings Proclamation Money for every Offence, to be recovered by the party grieved before any Justice of the peace and applied to his own Use.

IV. And be it further Enacted by the Authority aforesaid, that it shall and may be lawful for the Justices of the said County, and they are hereby required to take Bond and Security of such Ferry-keeper with whom they shall agree as aforesaid, in the Sum of Twenty Pounds for the faithful performance of the duty enjoined them by this Act.

V. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force during the Term of three Years, and from thence to the end of the next session of Assembly, and no longer.

CHAPTER XXVI.

An Act to amend an Act, for Dividing the Northern Part of Rowan County, and erecting a new County, by the Name of Surry County, and St. Jude's Parish.

Whereas, some of the Commissioners in the before recited Act appointed for building a Court House, Prison and Stocks in the County of Surry, are removed out of this Province, and the Majority of the remaining Commissioners reside out of the County, by which Means the Public Buildings are not finished according to the directions of the said Act.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That Richard Good, Gray Bynum, Samuel Freeman, Joseph Phillips and Phillip Howard be, and they are hereby appointed Commissioners for the purposes of Erecting, Finishing and Completing the said Public Buildings in the room and stead of those heretofore appointed, and they or the Majority of them are hereby invested with the same Powers and Authorities in every respect as the Commissioners appointed in and by the before recited Act, anything therein contained to the contrary, notwithstanding.

CHAPTER XXVII.

An Act to empower the Justices of Bladen County to hold the Inferior Court of Pleas and Quarter Sessions in the Town of Elizabeth, in the said County.

Whereas, the removal of the Court from the Courthouse in Bladen County to The Town of Elizabeth would greatly promote the improvement and Trade thereof.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing hereof the Inferior Court of Pleas and Quarter Sessions for the County of Bladen shall be held by the Justices of the said County at some convenient House in the Town of Elizabeth, and that all Causes, Pleas, Writs, Actions, Suits, Complaints, Process, Precepts, Recognizances, Indictments, Presentments and other matters and things, in the said County of Bladen depending, shall stand adjourned and continued, and are hereby adjourned and continued from the Courthouse of the said County to the Court to be held for the said County in the Town of Elizabeth; and all appearances and returns of process shall be made to the Inferior Court to be held for the said County at the Town aforesaid, and all suitors and Witnesses shall be bound to appear thereat in the same manner and under the same Penalties as if the said Court had been continued at the Court House.

CHAPTER XXVIII.

An Act to facilitate the Navigation of Neuse River.

Whereas, the frequent Erecting of Dams across Neuse River hath rendered the navigation of the said River difficult and dangerous and is injurious to Trade.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act it shall not be lawful for any Person or Persons whatsoever to Erect or make any hedge, stop or dam across the said River, at any place below the mouth of Eno River, at any time between the first day of December and the first day of June in each Year, under the Penalties of Twenty Pounds Proclamation Money, to be recovered before any Jurisdiction having Cognizance thereof by any person suing for the same.

II. And be it further Enacted by the Authority aforesaid, that all dams already made for the retention of Fish shall be kept open by the Owner or Owners thereof, in such a manner that Boats or other Crafts may pass and repass from the said first day of December to the first day of June in each year, under the like Penalty, to be recovered and applied as is hereinbefore directed.

III. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force for and during the Term of Five Years, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER XXIX.

An Act to continue an Act, entitled, An Act to Amend an Act, entitled, An Act for the Regulation of the Town of Wilmington.

Whereas, the before recited Act will expire with the end of this present Session of Assembly, and the same being of General Utility to the Inhabi-

tants of the said Town and others, renders it necessary that the same should be further continued.

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the before recited Act, and every Clause and Article thereof, shall be continued, and remain in full force and Virtue for and during the Term of three Years from and after the passing of this Act, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER XXX.

An Act to explain an Act for erecting a Parish in Chatham County, by the name of St. Bartholomew.

Whereas, the Law for erecting a Parish by the name of Saint Bartholomew in the County of Chatham is doubtful and uncertain, for Explanation whereof;

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, that from and after the passing of this Act the Election of a Vestry in the parish and County aforesaid shall be made in the like manner and under the like Rules and Restrictions, Pains and Penalties, that other Elections of Vestries are made by an Act passed in the Fifth Year of his present Majestys reign, entituled "An Act for making Provision for the Clergy, providing for the poor and the due Management of Parochial Affairs."

II. And be it further Enacted by the Authority aforesaid, That the Freeholders of the aforesaid Parish in the aforesaid County shall and they are hereby impowered, required and directed, to meet at the Courthouse of the said County on Second Monday in May next, after the passing of this Act, then and there to elect and choose twelve Freeholders of the said Parish to serve as Vestrymen of the same.

CHAPTER XXXI.

An Act to Prevent the wilful and malicious killing of Slaves.

Whereas some Doubts have arisen with Respect to the Punishment proper to be inflicted upon such as have been guilty of willfully and maliciously killing Slaves:

I. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the first day of May next, if any Person shall be guilty of wilfully and maliciously killing a Slave, so that, if he had in the same Manner killed a Freeman, he would by the Laws of the Realm be held and deemed guilty of Murder, that then and in that Case such Offender shall, upon due and legal Conviction thereof, in the Superior Court of the District where such offence shall happen, or have been committed, suffer twelve Months Imprisonment; And upon a second Conviction thereof, shall be adjudged guilty of Murder, and shall suffer Death, without benefit of Clergy.

II. And be it further Enacted by the Authority aforesaid, That if the Slave so wilfully and maliciously killed, shall be the property of another, and not of the Offender, he shall on the first Conviction thereof, pay the Owner thereof such sum as shall be the Value of the said Slave, to be assessed

by the Inferior Court of the County where such Slave was killed, and shall stand committed to the Gaol of the District where such conviction shall happen, until he shall satisfy and pay the said Sum so assessed.

III. Provided always, That this Act shall not extend to any Person killing any Slave outlawed by virtue of any Act of Assembly in this Province, or to any Slave in the Act of Resistance to his lawful Owner or Master, or to any Slave dying under moderate Correction.

CHAPTER XXXII.

An Act for erecting part of the Counties of Halifax and Tyrrell into one Distinct County and Parish.

Whereas the great Extent of the Counties of Halifax and Tyrrell, renders it exceedingly troublesome and expensive to many of the Inhabitants thereof to attend the Courts of Justice, Elections and General Musters, and for the Sheriffs to make Public Collections: For Remedy whereof,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act, the said Counties be divided as follows, to-wit, Beginning at the mouth of Kehukee Creek, on Roanoke River, and running a direct Line to Edgemcombe County Line, where it crosses the Tar River road that leads by Nicholas Loyd's; thence down Edgemcombe Line, to Pitt County Line; thence along Pitt Line, to Beaufort County Line; thence along Beaufort Line, to the Head of Welch's Creek, near Stewart Hamilton's plantation; thence down Welch's Creek, to Roanoke river; thence up the River to the beginning; and all that part of the said Counties, included within the said Bounds, be thenceforth erected into a distinct County and Parish, and called and known by the Name of Martin County, and Parish of St. Martin.

(The remaining Sections altogether of a private or a temporary Nature.)

Read three times, and Ratified in open Assembly, the 19th day of March, A. D. 1774.

JOSIAH MARTIN, ESQ., Governor,
James Hasell, President.
JOHN HARVEY, Speaker.

THE DECLARATION OF RIGHTS.

At a Congress of the Representatives of the Freemen of the State of North Carolina, Assembled at Halifax, the Seventh Day of December, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six, for the Purpose of establishing a Constitution or Form of Government for the said State.

A Declaration of Rights made by the Representatives of the Freemen of the State of North Carolina.

Section I. That all political Power is vested in and derived from the People only.

Section II. That the people of this State ought to have the sole and exclusive Right of regulating the internal Government and Police thereof.

Section III. That no Man or set of Men are entitled to exclusive or separate Emoluments or Privileges from the Community, but in Consideration of Public Services.

Section IV. That the Legislative, Executive and Supreme Judicial Powers of Government ought to be forever separate and distinct from each other.

Section V. That all Power of Suspending Laws, or the Execution of Laws, by any Authority without Consent of the Representatives of People, is injurious to their rights and ought not to be exercised.

Section VI. That Elections of Members to serve as Representatives in General Assembly, ought to be free.

Section VII. That in all criminal Prosecutions every Man has a Right to be informed of the Accusation against him, and to confront the Accusers and Witnesses with other Testimony, and shall not be compelled to give Evidence against himself.

Section VIII. That no Freeman shall be put to answer any criminal Charge, but by Indictment, Presentment, Impeachment.

Section IX. That no Freeman shall be convicted of any Crime, but by the unanimous verdict of a Jury of good and lawful Men, in open Court as heretofore used.

Section X. That excessive Bail should not be required, nor excessive Fines imposed, nor cruel or unusual punishment inflicted.

Section XI. That General Warrants whereby any Officer or Messenger may be commanded to search suspected Places, without Evidence of the Fact committed, or to seize any Person or Persons not named, whose offence is not particularly described and supported by Evidence, are dangerous to Liberty, and ought not to be granted.

Section XII. That no Freeman ought to be taken, imprisoned or disseised of his Freehold, Liberties or Privileges, or outlawed or exiled, or in any Manner destroyed or deprived of his Life, Liberty or Property, but by the Law of the Land.

Section XIII. That every Freeman restrained of his Liberty is entitled to a Remedy to enquire into the Lawfulness thereof, and to remove the same if unlawful, and that such Remedy ought not to be denied or delayed.

Section XIV. That in all Controversies at Law respecting Property, the ancient Mode of Trial by Jury is one of the best Securities of the Rights of the People, and ought to remain sacred and inviolable,

Section XVI. That the Freedom of the Press is one of the great Bulwarks of Liberty, and therefore ought never to be restrained.

Section XVI. That the People of this State ought not to be taxed or made subject to the Payment of any Impost or Duty, without the Consent of themselves or their Representatives in General Assembly freely given.

Section XVII. That the People have a right to bear Arms for the Defence of the State; and as standing Armies in Time of Peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil Power.

Section XVIII. That the People have a right to Assemble together to consult for their common good, to instruct their Representatives, and to apply to the Legislature for Redress of Grievances.

Section XIX. That all Men have a natural and unalienable Right to worship Almighty God according to the Dictates of their own Conscience.

Section XX. That for redress of Grievances and for amending and strengthening the Laws, Elections ought to be often held.

Section XXI. That a frequent Recurrence to fundamental Principles is absolutely necessary to preserve the Blessings of Liberty.

Section XXII. That no Hereditary Emoluments, Privileges or Honours ought to be granted or conferred in this State.

Section XXIII. That Perpetuities and Monopolies are contrary to the Genius of a free State, and ought not to be allowed.

Section XXIV. That retrospective Laws, punishing Facts committed before the Existence of such Laws, and by them only declared criminal, are oppressive, unjust, and incompatible with Liberty, wherefore no *Ex post Facto* Law ought to be made.

Section XXV. The Property of the Soil in a free Government, being one of the essential Rights of the collective Body of the People, it is necessary in order to avoid future Disputes, that the Limits of the State should be ascertained with Precision; and as the former temporary Line between North and South-Carolina was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeable to the Order of the late King George the Second, in Council, that Line, and that only, should be esteemed the Southern Boundary of this State, as follows; that is to say, Beginning on the sea side, at a Cedar Stake at or near the Mouth of Little River, being the Southern extremity of Brunswick County, and runs from thence a North-West Course through the Boundary House, which stands in thirty-three Degrees fifty-six Minutes to thirty-five Degrees North Latitude; and from thence a West Course so far as is mentioned in the Charter of King Charles the Second, to the late Proprietors of Carolina: Therefore all the Territories, Seas, Waters, and Harbours, with their Appurtenances, lying between the Line above described and the Southern Line of the State of Virginia, which begins on the Sea Shore in thirty-six Degrees thirty Minutes North Latitude, and from thence runs West, agreeable to the said Charter of King Charles, are the Right and Property of the People of this State, to be held by them in Sovereignty, any partial Line without the Consent of the Legislature of this State, at any Time thereafter directed or laid out, in any wise notwithstanding. Provided always, That this Declaration of Right shall not prejudice any Nation or Nations of Indians, from enjoying such Hunting Grounds as may have been, or hereafter shall be secured to them by any former or future Legislature of this State: And provided also, That it shall not be construed so as to prevent the establishment of one or more Governments Westward of this State, by consent of the Legislature, And provided further, That nothing herein con-

tained, shall affect the Titles or Possessions of Individuals, holding or claiming under the Laws heretofore in Force, or Grants heretofore made by the late King George the Third, or his Predecessors, or the late Lords Proprietors, or any of them.

December the 17th Day, A. D. 1776, read the Third Time, and ratified in open Congress. Copy Test

R. CASWELL, President.
J. GLASGOW, Secretary.

THE CONSTITUTION,

1776.

The Constitution or Form of Government agreed to and resolved upon by the Representatives of the Freemen of the State of North Carolina, elected and chosen for that particular Purpose, in Congress assembled, at Halifax, the Eighteenth Day of December, in the Year of our Lord One Thousand Seven Hundred and Seventy-six.

Whereas Allegiance and Protection are in their Nature reciprocal, and the one should of Right be refused when the other is withdrawn. And whereas George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his Protection, but by an Act of the British Legislature declared the Inhabitants of these States out of the Protection of the British Crown, and all their Property found upon the High Seas liable to be seized and confiscated to the Uses mentioned in the said Act. And the said George the Third has also sent Fleets and Armies to prosecute a cruel War against them, for the Purpose of reducing the Inhabitants of the said Colonies to a State of abject Slavery. In Consequence whereof, all Government under the said King within the said Colonies, hath ceased, and a Total Dissolution of Government in many of them hath taken Place. And whereas the Continental Congress having considered the Premises, and other previous Violations of the Rights of the good People of America, have therefore declared, that the Thirteen United Colonies are of Right, wholly absolved from all Allegiance to the British Crown or any other foreign Jurisdiction whatsoever, and that the said Colonies now are and forever shall be, Free and Independent States: Wherefore, in our present State, in order to prevent Anarchy and Confusion, it becomes necessary that a Government should be established in this state: Therefore, We, the Representatives of the Freemen of North Carolina, chosen and assembled in Congress for the express Purpose of framing a Constitution under Authority of the People, most conducive to their Happiness and Prosperity, do declare that a Government for this State, shall be established in Manner and Form following, to-wit,

Section I. That the Legislative Authority shall be vested in two distinct Branches, both dependant on the People, to-wit, a Senate and House of Commons.

Section II. That the Senate shall be composed of Representatives annually chosen by Ballot, one from each County in this State.

Section III. That the House of Commons shall be composed of Representatives annually chosen by Ballot, two for each County, and one for each of the Towns of Edenton, New Bern, Wilmington, Salisbury, Hillsborough and Halifax.

Section IV. That the Senate and House of Commons, assembled for the Purpose of Legislation, shall be denominated the General Assembly.

Section V. That each Member of the Senate shall have usually resided in the County in which he is chosen, for one Year immediately preceding his Election; and for the same Time shall have possessed, and continue to possess, in the County which he represents, not less than three hundred Acres of Land in Fee.

Section VI. That each Member of the House of Commons shall have usually resided in the County in which he is chosen, for one Year immediately preceding his Election, and for Six Months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred Acres of Land in Fee, or for the Term of his own Life.

Section VII. That all Freemen of the Age of twenty-one Years, who have been Inhabitants of any one County within the State twelve Months immediately preceding the Day of any Election, and possessed of a Freehold within the same County of fifty Acres of Land for six Months next before and at the Day of Election, shall be entitled to vote for a Member of the Senate.

Section VIII. That all Freemen of the Age of twenty-one Years, who have been Inhabitants of any County within this State twelve Months immediately preceding the day of any Election, and shall have paid public Taxes, shall be entitled to vote for Members of the House of Commons for the County in which he resides.

Section IX. That all Persons possessed of a Freehold in any Town in this State having a Right of Representation, and also all Freemen who have been Inhabitants of any such Town twelve Months next before and at the Day of Election, and shall have paid public Taxes, shall be entitled to vote for a Member to represent such Town in the House of Commons. Provided always, That this Section shall not entitle any Inhabitant of such Town to vote for Members of the House of Commons for the County in which he may reside; nor any Freeholder in such County, who resides without or beyond the Limits of such Town, to vote for a Member for said Town.

Section X. That the Senate and House of Commons when met, shall each have power to choose a Speaker and other their Officers, be Judges of the Qualifications and elections of their Members, sit upon their own Adjournments from Day to Day, and prepare Bills to be passed into Laws: The two Houses shall direct Writs of Election for supplying intermediate Vacancies, and shall also jointly by Ballot adjourn themselves to any future Day and Place.

Section XI. That all Bills shall be read three times in each House before they pass into Laws, and be signed by the Speaker of both Houses.

Section XII. That every Person who shall be chosen a Member of the Senate or House of Commons, or appointed to any Office or Place of Trust, before taking his seat, or entering upon the Execution of his Office, shall take an Oath to the State; and all officers shall also take an Oath of Office.

Section XIII. That the General Assembly shall, by joint Ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and an Attorney-General, who shall be commissioned by the Governor, and hold their Offices during good Behaviour.

Section XIV. That the Senate and House of Commons shall have Power to appoint the Generals and Field-Officers of the Militia, and all Officers of the regular Army of this State.

Section XV. That the Senate and House of Commons, jointly at their first Meeting after each annual Election, shall by Ballot elect a Governor for one Year; who shall not be eligible to that Office longer than three Years in six successive Years: That no Person under thirty Years of Age, and who has not been a Resident in this State above five Years, and having in the State a Freehold in Lands and Tenements above the Value one Thousand Pounds, shall be eligible as Governor.

Section XVI. That the Senate and House of Commons, jointly at their first Meeting after each annual Election, shall by Ballot elect seven Persons

to be a Council of State for one Year; who shall advise the Governor in the Execution of his Office; and that four Members shall be a Quorum: Their Advice and Proceedings shall be entered in a Journal to be kept for that Purpose only, and signed by the Members present; to any Part of which any Member present may enter his Dissent; and such Journal shall be laid before the General Assembly when called for by them.

Section XVII. That there shall be a Seal of this State, which shall be kept by the Governor, and used by him as occasion may require; and shall be called the Great Seal of the State of North Carolina, and be affixed to all Grants and Commissions.

Section XVIII. That Governor for the Time being, shall be Captain-General and Commander in Chief of the Militia; and in the Recess of the General Assembly, shall have Power, by and with the Advice of the Council of State, to embody the Militia for the public Safety.

Section XIX. That the Governor for the Time being, shall have Power to draw for and apply such Sums of Money as shall be voted by the General Assembly for the Contingencies of Government, and be accountable to them for the same; He also may, by and with the Advice of the Council of State, lay Embargoes, or prohibit the Exportation of any Commodity for any Term not exceeding thirty Days at any one Time, in the Recess of the General Assembly; and shall have the Power of granting Pardons and Reprieve, except where the Prosecution shall be carried on by the General Assembly, or the Law shall otherwise direct; in which Case he may, in the Recess, grant a Reprieve until the next Sitting of the General Assembly: And may exercise all other executive Powers of Government limited and restrained as by this Constitution is mentioned, and according to the Laws of the State: And on his Death, Inability, or Absence from the State, the Speaker of the Senate for the Time being, and in Case of his Death, Inability, or Absence from the State, the Speaker of the House of Commons shall exercise the Powers of the Governor, after such Death, or during such Absence or Inability of the Governor or Speaker of the Senate, or until a new Nomination is made by the General Assembly.

Section XX. That in every Case where any Officer, the Right of whose Appointment is by this Constitution vested in the General Assembly, shall during their Recess die, or his Office by other Means become vacant, the Governor shall have Power, with the Advice of the Council of State, to fill up such Vacancy by granting a temporary Commission, which shall expire at the End of the next Session of the General Assembly.

Section XXI. That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney-General, shall have adequate Salaries during their Continuance in Office.

Section XXII. That the General Assembly shall, by joint Ballot of both Houses, annually appoint a Treasurer or Treasurers for this State.

Section XXIII. That the Governor and other Officers offending against the State, by violating any Part of this Constitution, Mal-Administration or Corruption, may be prosecuted on the Impeachment of the General Assembly, or Presentment of the Grand-Jury of any Court of Supreme Jurisdiction in this State.

Section XXIV. That the General Assembly shall, by joint Ballot of both Houses, triennially appoint a Secretary.

Section XXV. That no Persons who heretofore have been, or hereafter may be, Receivers of Public Monies, shall have a Seat in either House of General Assembly, or be eligible to any office in this State, until such Person

shall have fully accounted for and paid into the Treasury, all Sums for which they may be accountable and liable.

Section XXVI. That no Treasurer shall have a Seat in either the Senate, House of Commons or Council of State, during his Continuance in that Office, or before he shall have finally settled his Accounts with the Public, for all Monies which may be in his Hands at the Expiration of his Office belonging to the State, and hath paid the same into the Hands of the succeeding Treasurer.

Section XXVII. That no Officer in the regular Army or Navy, in the Service and Pay of the United States, of this or any other State, nor any Contractor or Agent for supplying such Army or Navy with Clothing or Provisions, shall have a Seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to and accepting of such Office, shall thereby vacate his seat.

Section XXVIII. That no Member of the Council of State shall have a Seat either in the Senate or House of Commons.

Section XXIX. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a Seat in the Senate, House of Commons, or Council of State.

Section XXX. That no Secretary of this State, Attorney-General, or Clerk of any Court of Record, shall have a Seat in the Senate, House of Commons, or Council of State.

Section XXXI. That no Clergyman, or Preacher of the Gospel, of any Denomination, shall be capable of being a Member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral Function.

Section XXXII. That no Person who shall deny the being of God, or the Truth of the Protestant Religion, or the Divine Authority either of the Old or New Testament, or who shall hold Religious Principles incompatible with the Freedom and Safety of the State, shall be capable of holding any Office or Place of Trust or Profit in the Civil Department, within this State.

Section XXXIII. That the Justices of the Peace, within the respective Counties within this State, shall in Future be recommended to the Governor for the Time being, by the Representatives in General Assembly, and the Governor shall commission them accordingly: And the Justices, when so commissioned, shall hold their Offices during good Behaviour, and shall not be removed from Office by the General Assembly unless for Misbehaviour, Absence, or Inability.

Section XXXIV. That there shall be no Establishment of any one Religious Church in this State in Preference to any other; neither shall any Person, on any Pretence whatsoever, be compelled to attend any Place of Worship, contrary to his own Faith or Judgment; nor be obliged to pay for the Purchase of any Glebe, or the building of any House of Worship, or for the Maintenance of any Minister or Ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all Persons shall be at Liberty to exercise their own Mode of Worship. Provided, That nothing herein contained, shall be construed to exempt Preachers of treasonable or seditious Discourses from legal Trial and Punishment.

Section XXXV. That no Person in the State shall hold more than one lucrative Office at any one Time, Provided, That no Appointment in the Militia, or to the Office of a Justice of the Peace, shall be considered as a lucrative Office.

Section XXXVI. That all Commissions and Grants shall run in the Name

of the State of North Carolina, and bear Test and be signed by the Governor; and all Writs run in the same Manner, and bear Test and be signed by the Clerks of the respective Courts; Indictments shall conclude, against the Peace and Dignity of the State.

Section XXXVII. That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by Ballot, but may be superceded in the mean Time, in the same Manner; and no Person shall be elected to serve in that Capacity more than three Years successively.

Section XXXVIII. That there shall be a Sheriff, Coroner or Coroners, and Constables in each County within this State.

Section XXXIX. That the Person of a Debtor, where there is not a strong Presumption of Fraud, shall not be confined in Prison after delivering up, bona fide, all his Estate, real and personal, for the Use of his Creditors, in such Manner as shall be hereafter regulated by Law. All Prisoners shall be bailable by sufficient Sureties, unless for capital Offences, when the Proof is evident, or the Presumption great.

Section L. That every Foreigner who comes to Settle in this State, having first taken an Oath of Allegiance to the same, may purchase, or by other just Means acquire, hold, and transfer Land or other real Estate; and after one Year's Residence, shall be deemed a Free Citizen.

Section XLI. That a School or Schools shall be established by the Legislature for the convenient Instruction of Youth, with such Salaries to the Masters paid by the Public, as many enable them to instruct at low Prices; and all useful Learning shall be duly encouraged and promoted in one or more Universities.

Section XLII. That no Purchase of Lands shall be made of the Indian Natives, but on Behalf of the Public, and by Authority of the General Assembly.

Section XLIII. That the future Legislature of this State shall regulate Entails in such a Manner as to prevent Perpetuities.

Section XLIV. That the Declaration of Rights is hereby declared to be Part of the Constitution of this State, and ought never to be violated on any Pretence whatever.

Section XLV. That any Member of either House of the General Assembly, shall have Liberty to dissent from, and protest against any Act or Resolve think injurious to the Public of any Individual, and have the Reasons of his Dissent entered on the Journals.

Section XLVI. That neither House of the General Assembly shall proceed upon public Business, unless a Majority of all the Members of such House are actually present; and that upon a Motion made and seconded, the Yeas and Nays upon any Question shall be taken and entered on the Journals; and that the Journals of the Proceedings of both Houses of the General Assembly, shall be printed and made public immediately after their Adjournment.

This Constitution is not intended to preclude the present Congress from making a temporary Provision for the well ordering of this State, until the General Assembly shall establish Government agreeable to the Mode herein before prescribed.

December the 18th Day, A. D. 1776, read the Third Time, and ratified in open Congress.

R. CASWELL, President.
J. GLASGOW, Secretary.

JAS. GREEN, JUN., Secretary.
Copy Test.

ORDINANCES OF CONVENTION, 1776.

An Ordinance to empower the Governor to issue a Proclamation requiring all Persons who have at any Time, by taking Arms against the Liberty of America, adhering to, comforting, or abetting the Enemies thereof; or by Words disrespectful, or tending to prejudice the Independence of the United States of America, or of this State in particular, to come in before a Certain Day therein mentioned, and take an Oath of Allegiance and make Submission, on Pain of being considered as Enemies, and treated accordingly.

Whereas divers Persons within this State have been in actual Arms against the liberties of the United States of America, or have adhered to the King and Parliament of Great Britain against the same, or have comforted and abetted the Enemies thereof or by Words and Speeches have endeavored to disaffect and disunite the good people, with Design to weaken and obstruct the necessary efforts of the said States against the Wrongs and Hostilities of the said King and Parliament of Great Britain; and it being hoped that such Persons are now become sensible of the Wickedness and Folly of endeavoring to subject their Country to Misery and Slavery, and are penitent for the same:

I. Be it Ordained by the Authority of this Congress, That his Excellency the Governor shall issue a Proclamation, in the Name of this State, offering free Pardon and Protection to all Persons who shall at any Time within ninety Days after the Date of the said Proclamation, appear before some Court, or Judge or Justice of the Peace, and in the most solemn Manner, take the following Oath, to-wit,

I A. B. do sincerely promise and swear, that I will be faithful and bear true Allegiance to the State of North Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, and that I will to the utmost of my Power, maintain and defend the same against all Attempts whatsoever; and I do swear, that I will do no act wittingly, whereby the Independence of the said State may be destroyed or injured. SO HELP ME GOD.

And all such Persons refusing or neglecting to take the said Oath within the Time aforesaid, and in Manner aforesaid, shall be and are hereby declared incapable of bringing any Suit or Action, real, personal or mixed, before any Court, Judge or Magistrate within this State; or being sued, plead or Make Defence; or of prosecuting any Indictment; or of purchasing or transferring any Lands, Tenements or Hereditaments, the same shall be and are hereby declared to be forfeited to this State, being first found by Inquest of a jury. Provided, That where any Person shall be out of the Limits of this State, in Prison, non Compos Mentis, under the Age of Twenty-one Years, he shall not incur any of the Penalties or Disabilities aforesaid, unless he shall neglect or refuse to take the said Oath within the Time aforesaid after such Impediments shall be removed. Provided also, That the above last Proviso shall not extend to any Persons who have been, now are, or hereafter shall be, in open Enmity with this State, or in the Dominions and under the Authorities of the Enemies of America willingly remain-

ing, but the same shall be left to the future Legislature of this State, to be provided for in the same Manner as if this Ordinance had never been made.

Ratified the 22d of November, 1776.

An Ordinance for appointing a Governor, Council of State, and Secretary, until the next General Assembly. Exp.

Whereas it is necessary that a Governor, Council of State, and Secretary, shall be immediately chosen,

Be it therefore ordained, and it is hereby ordained and declared by the Representatives of the Freemen of North Carolina, in Congress assembled, That Richard Caswell, Esquire, be and is hereby constituted and appointed Governor of this State, with the Style and Title of Excellency, to enter upon the execution of his office immediately after the dissolution of this Congress. Cornelius Harnett, Thomas Person, William Dry, William Haywood, Edward Starkey, Joseph Leach and Thomas Eaton, Esquires, Members of the Council of State and James Glasgow, Esquire, Secretary to have, hold exercise and enjoy the said office of Governor, Councillors of State, and Secretary respectively, with such powers and authority as they are respectively vested with by the form of Government established by this Congress, and no other whatsoever, except what is or may be given by any Resolve or Ordinance of this Congress.

And be it ordained by the authority aforesaid, that the Governor shall be allowed at the rate of Fifteen Hundred Pounds per annum as a salary for his public Services; and that each Member of the Council of State, shall be allowed at the rate of twenty shillings per day, for each days travelling to, attending at, and returning from the Council together with his Ferriages, to be paid them out of the Public Treasury.

And that the Secretary shall be entitled to the same Fees, Privileges and Emoluments as the Provincial Secretary heretofore held and enjoyed.

And be it ordained by the authority aforesaid, that this ordinance shall continue and be in force until the end of the next session of the General Assembly and no longer.

Read three times and ratified in open Assembly, December 20th, 1776.

An Ordinance of the State of North Carolina to secure the Titles of Church Lands and Houses of Public Worship, to the Proprietors thereof, and quiet them in the peaceable Possession of the same.

Whereas Controversies may arise concerning the Titles, Property and Occupancy of Glebes, Church Lands, and the several Churches, Chaples and other Houses built for the Purpose of public Worship in this State, and such Controversies might prove injurious to the Peace and Tranquility thereof: For Prevention whereof,

I. Be it ordained and declared by the Representatives of the Freemen of the State of North Carolina, in Congress assembled, and by the Authority of the same, That all Glebes, Lands and Tenements, heretofore purchased, given or devised for the support of any particular Ministry or Mode of Worship; and all Churches, Chaples and other Houses built for the Purpose of public Worship, shall be and remain forever to the Use and Occupancy of that religious Society, Church, Sect, Denomination, to or for which the said

Glebes, Lands and Tenements were so purchased, given or devised, or the said Churches, Chaples or other Houses of Public Worship were built.

An Ordinance to appoint Certain Commissioners to revive the Statutes and Acts of Assembly heretofore in force and use in North Carolina and to prepare bills for the consideration of the next Assembly.

Be it ordained by the representatives of the Freemen of North Carolina in Congress assembled, and it is ordained by the authority of the same, That Thomas Jones, Samuel Johnston, Archibald Maclaine, James Iredell, Abner Nash, Christopher Neale, Samuel Ashe, Waightstill Avery, Samuel Spencer, Jasper Charlton, and John Penn, Esquires, be and they are hereby appointed to revive and consider all such statutes and acts of the Assembly as are or have been in force and use in North Carolina and to prepare such Bills to be passed into laws as may be consistent with the Genius of a Free People, that form of government which we have adopted, and our local situation and to lay the same before the next General Assembly for their approbation.

Read the third time and ratified in open Congress the twenty-first day of December, Anno Dom. 1776.

An Order to Enable Certain Inhabitants of Certain Counties therein mentioned and the District of Washington to vote in elections for Senators.

Whereas great part of the Lands situate in the Counties of Bute, Granville, Wake, Chatham, Orange, Guilford, Rowan, Surry, Mecklenburg, Tryon and the District of Washington have been long settled by substantial Inhabitants who have not been able to acquire legal titles of Freehold to their Lands yet ought of right to have votes in all Elections for Senators.

Be it therefore ordained, and it is ordained and declared by the representatives of the Freemen of North Carolina in Congress assembled, That all house holders in the said Counties and District who have improved Land in possession, except such as hold land by lease for years or at will, from or under any free holders shall be deemed Freeholders and shall vote in all elections of Senators for the said Counties and District in like manner as Freeholders in the other Counties in this State. And that this Ordinance shall continue and be in force until the end of the next session of Assembly and no longer.

Read three times and ratified in open Congress the twenty-first day of December, A. D. 1776.

An Ordinance for appointing Collectors at the Ports of Currituck, Roanoke, Bath, Beaufort and Brunswick.

Whereas it is absolutely necessary that Collectors should be appointed at the ports of Currituck, Roanoke, Bath, Beaufort and Brunswick for the purpose of taking bonds and granting clearances and certificates to Masters of Vessels about to depart the said ports in order that the rules and regulations

prescribed by the Continental and this Congress may be fully observed and properly carried into execution,

Be it therefore ordained by the representatives of the Freemen of the State of North Carolina in Congress assembled and it is ordained by the authority of the same, that a collector shall be appointed at each of the ports of Currituck, Roanoke, Bath, Beaufort and Brunswick and that Samuel Jarvis, Esquire be appointed Collector at Port Currituck; Michael Paine, Esquire, Collector at Port Roanoke, William Brown, Esquire, Collector at Port Bath; James Corr, Esquire, Collector at Port Beaufort; Parker Quince, Esquire, Collector at Port Brunswick, who shall keep his office in the town of Wilmington, and that the said Collectors shall have full power and authority to administer an oath to the several masters of vessels coming into or going out of this State, as to the cargoes imported or about to be exported out of the same, and that should any person or persons attempt the violation of any resolve of the Continental or this Congress by shipping on board any vessel or vessels Goods, Wares or Merchandizes contrary to the true intent and meaning of the said resolves, then in that case the Collector of the port where the fact happens, due proof being made thereof on oath by some creditable person, before any one Justice of the Peace shall cause the same to be unladed and relanded from such vessel or vessels at the expence of the master, owner or owners thereof, and that the Collector shall not on any pretence whatsoever grant a certificate or Clearance to the Master of any Vessel having Articles of Merchandize on board contrary to the said Resolves.

And be it further ordained and it is hereby ordained by the authority aforesaid that the said Collectors shall each of them keep a Seal of Office which shall be affixed to every clearance and certificate and that the said Collector shall be entitled to the same Fees, Privileges and Emoluments as heretofore directed by Act of Assembly.

And be it further ordained by the Authority aforesaid, that this ordinance shall remain and continue in force until the end of the next session of the General Assembly and no longer.

Read the third time and ratified in open Congress the twenty-first day of December, Anno Dom. 1776.

An Ordinance for appointing certain Commissioners therein named, to procure a Great Seal for this State, and other Purposes therein mentioned.

Whereas it is necessary that a Great Seal should immediately be procured for this State, for the Use of the Governor for the Time being, to be affixed to all Grants, Proclamations and other public Acts; and that certain Commissioners be appointed for that Purpose;

I. Be it therefore ordained, and it is hereby ordained, by the Representatives of the Freemen of the State of North Carolina, in Congress assembled, and by the Authority of the same, That William Hooper, Joseph Hewes, and Thomas Burke, Esquires, be appointed Commissioners to procure for this State, for the Use of the Governor for the Time being thereof, a Great Seal, to be affixed to all Grants Proclamations and other public Acts.

II. And be it further ordained by the Authority aforesaid, That the Governor for the Time shall, until the Great Seal can be procured, make Use of his own private Seal at Arms, and affix the same to all Grants, Proclamations, and other public Acts of this State.

Ratified the 22d of December, 1776.

An Ordinance for supplying the Police Treasury with money for the Exigencies of this State, and for the Support of that Part of the Continental Army stationed therein.

I. Be it ordained, That the Treasurer or Treasurers of this State be empowered to draw on the Continental Treasurer, on the Account and Credit of this State, for any Sum or Sums not exceeding five hundred thousand Dollars, for the Purpose of paying the Continental Troops, and the Incidental Charges and Disbursements necessary thereto; which Sum, or so much thereof as shall be drawn, the said Treasurer or Treasurers shall account for with next General Assembly to be held for this State. And in Case a sufficient Sum for the Purpose aforesaid, cannot be procured on the Draughts of the Treasurer or Treasurers, Be it ordained, That the said Treasurer or Treasurers be empowered to borrow Money from the sinking Fund for the same; and if there shall not be Money sufficient in the Treasury on Account of the said Fund, Be it ordained, That the Treasurer or Treasurers be empowered to borrow Money on the Faith and Credit of the State, to the Amount of the Deficiency, at an Interest not exceeding Six per Cent. per Annum, and that this State shall be pledged to repay the same. And in Case the necessary Sums of Money for the Purpose aforesaid cannot be raised by the Ways and Means aforesaid, Be it ordained, That his Excellency the Governor be empowered to apply to the Continental Congress for such Sum or Sums as may be necessary.

An Ordinance declaring who shall be Governor of this State until the end of the Session of the next General Assembly in case of the death, resignation, or absence of his Excellency Richard Caswell, Esquire, appointed Governor by this Congress.

Whereas by an Ordinance passed this Congress Richard Caswell, Esquire, was appointed Governor of this State to act as such immediately after the dissolution of this Congress until the end of the next session of the General Assembly,

And whereas there is not in the said Ordinance any provision made for filling the seat of government in case of the death, resignation or absence of the said Governor out of this State,

Be it therefore ordained by the representatives of the freemen of North Carolina in Congress assembled, and it is hereby ordained by the authority of the same that in case of the death, absence out of this State or resignation of the Governor appointed by this Congress the President of the Council of State be and is hereby appointed to succeed him in the said office with all the authority, powers and emoluments with which the Governor of this State is invested or to which he is entitled by virtue of the before mentioned ordinance; and that this ordinance shall continue and be in force until the end of the next session of the General Assembly and no longer.

Read the third time and ratified in open Congress this 23rd December, 1776.

An Ordinance to establish Courts for the trial of criminals in each district within this State and for vesting in the several sessions of the peace the power of appointing jurymen for the said District Courts and constituting judges to reside therein.

Whereas it is necessary for the due administration of Justice that courts should be established in the several districts of this State for the trial of Criminals,

Be it therefore ordained by the representatives of the freemen of the State of North Carolina in Congress assembled and it is hereby ordained by the authority of the same, that the Governor or Commander in Chief for the time being be hereby authorized and empowered to issue commissions of the peace, oyer and terminer and General Gaol Delivery directed to two persons in each District being men of integrity, ability and learned in the law empowering them, or either of them, to hold a Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery within their respective Districts, and to hear, try and determine all offences against the peace and good government of this State which may have been committed or which shall hereafter be committed within their respective districts, and to give judgment and award execution thereon.

And be it ordained by the authority aforesaid that a court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery shall be held at Wilmington for the district of Wilmington comprehending the Counties of New Hanover, Bladen, Onslow, Duplin, Cumberland and Brunswick on the twentieth day of February and August; at Salisbury for the District of Salisbury, comprehending the Counties of Anson, Rowan, Mecklenburg, Tryon, Guilford, Washington District, Surry, on the third day of March and September; at Hillsborough for the District of Hillsborough comprehending the Counties of Orange, Granville, Wake, and Chatham on the twentieth day of March and September; at Halifax for the district of Halifax, comprehending the counties of Halifax, Northampton, Edgecombe, Bute, on the seventeenth day of March and September; at Edenton for the District of Edenton, comprehending the Counties of Chowan, Perquimons, Pasquotank, Currituck, Bertie, Tyrrell, Hertford and Martin on the twenty-fourth day of March and September; and at New Bern for the district of New Bern, comprehending the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs, and Pitt on the twenty-ninth day of March and September, and each of said Courts shall continue to be held for the space of five days exclusive of Sundays by adjournment *de die in diem* unless the business shall be concluded in a shorter time.

And be it further ordained by the authority aforesaid, that the judge or judges of the said Courts respectively, shall have power and they are hereby authorized, and required to nominate and appoint some practicing lawyer properly qualified to prosecute as attorney for the State, and such attorney so nominated and appointed shall have and receive the sum of twenty-five pounds for every court he shall so attend.

And be it further ordained by the authority aforesaid, that the justices of the Inferior Courts shall and they are hereby required before the sitting of the courts of the sessions of the Peace, Oyer and Terminer and General Gaol Delivery of their respective districts to nominate twenty-four free holders to serve as grand jurymen and twenty-four free holders to serve as petit jurors at such district court and that the number of freeholders to be nominated for each County to serve as jurors shall be as follows, to-wit:

New Hanover twelve, Bladen eight, Onslow eight, Cumberland six, Duplin eight, Brunswick six, to serve as jurors at the Court to be held for Wilming-

ton District. Rowan twelve, Anson seven, Mecklenburg seven, Tryon eight, Surry seven, and Guilford seven, to serve as jurors at the Court to be held for Salisbury district. Orange twenty, Granville twelve, Chatham ten, and Wake eight, to serve as jurors at the Court to be held for Hillsborough district. Halifax sixteen, Edgecombe ten, Bute ten, Northampton twelve, to serve as jurors at the Court to be held for Halifax district. Chowan ten, Perquimons six, Pasquotank six, Currituck four, Tyrrel four, Martin four, Bertie eight and Hertford six, to serve as jurors at the Court to be held for the district of Edenton. Craven eighteen, Carteret four, Beaufort six, Hyde four, Dobbs six, Pitt six and Johnston four, to serve as jurors at the Court to be held for the district of New Berne; which said jurors shall be divided into grand and petit jurors by the respective district Courts.

And be it further ordained by the authority aforesaid that in case it shall so happen that any of the Inferior Courts shall neglect to nominate jurors as aforesaid, or the persons nominated should not be summoned by the sheriff, or should fail to appear or from any other reason there should be a defect of Jurors at any of the said district Courts, that then it shall and may be lawful for the Judge or Judges of such Court to order the sheriff to summon other freeholders of the bystanders to serve either as grand or petty jurymen; or in case from the number challenged by any prisoner, there shall not sufficient remain to make a full petty jury, it shall in like manner be lawful for the Court to summon other Freeholders of the bystanders. Provided that such bystanders as are summoned to serve on the petty jury, shall and may every day be discharged; and the succeeding day, and so from day to day, the sheriff may summon so many of the freeholders as are bystanders as may be necessary. And if any person so summoned to attend on any jury at such Court, shall fail to appear and attend, it shall be lawful for the Court to fine every person failing three pounds for the use of the County whereof he is resident, unless he can make a sufficient excuse for his non-attendance.

And be it further ordained by the authority aforesaid that the clerk of each of the said courts shall every day during the Continuance of such Court write the names of all petit jurors appearing on scrolls of paper which shall be put into a box and on the trial of every issue a child under ten years of age in open Court shall draw out of the said box twelve of the said scrolls; and the persons whose names shall be on the said scrolls drawn as aforesaid, shall be the jurors to try such issue, unless they be lawfully challenged; in which case other scrolls shall be drawn till the jurors are completed.

And be it further ordained by the authority aforesaid, that each and every juror who shall attend any of the said district Courts in virtue of this act upon producing a certificate from the clerk of such Court setting forth the time of his attendance to the Inferior Court of the County where he resides, shall have five shillings for every day he shall travel and attend as aforesaid, and the charge of his ferriages; and the bystanders summoned upon the Grand Jury shall have the same daily allowance for their attendance only.

And be it further ordained that the clerk of every such district Court shall make up a full and perfect record of the proceedings of such Court; for which and for his attendance and other services he shall be allowed the sum of ten pounds for every Court. And the judge or judges who shall have held such Court shall make due return of all the records and proceedings which shall have been had and moved before him or them in the said Court into the Secretary's office within six months after the conclusion of such Court.

And be it further ordained by the authority aforesaid that the Judges who shall in virtue of this ordinance hold any of the said Courts shall have and receive the sum of twenty-five pounds each for every Court which they shall hold.

And be it further ordained by the authority aforesaid that this ordinance shall continue and be in force to the end of the next session of the General Assembly and no longer.

Read the third time and ratified in open Congress the 23rd December, 1776.

An Ordinance to inforce the Statute Laws and such part of the Common Law and Acts of Assembly heretofore in use here, also to enforce the Resolve of the Convention and Congresses of this State which have not had their effect.

Whereas it is absolutely necessary for the safety and good government of this State that Laws be immediately in force here; therefore,

Be it ordained by the Representatives of the freemen in Congress now assembled, and it is ordained by the authority of the same that all such Statutes and such parts of the Common Law and Acts of Assembly heretofore in use here and not destructive of, repugnant to or inconsistent with the freedom and Independence of this State, or the United States of America not abrogated, repealed, expired, or become obsolete, and all and every Resolve and Resolves of the several Congresses or Conventions of this State which have not had their effect or been repealed shall enure, continue and be in force until the next session of General Assembly and no longer.

And be it also ordained that all and every Resolve and Resolves heretofore Constituting Committees be and are hereby to all Intents and purposes repealed and abrogated.

Read three times and ratified in open Congress this 22d of December, 1776.

An Ordinance for appointing Justices of the Peace, Sheriffs, and Constables for the several Counties in this State, for erecting County Courts for the purposes of holding Sessions of the Peace and putting into execution the laws relative to Orphans, Guardians and highways until provisions shall be made by the General Assembly of this State for the same.

Be it ordained and declared by the Representatives of the Freemen of the State of North Carolina in Congress assembled, and it is ordained by the authority of the same, That William Blewitt, Thomas Wade, Charles Medlock, Matthew Raiford, James Picket, Stephen Miller, John Jackson, James Auld, Henry Munger, William Pickett, David Love, John Chiles, George Davidson, Robert Thomas, Cornelius Roberson, John Kimbrough, James Allen, William Hay, William Coleson, John Wall, John Caruth, William Coleson and Thomas Lacy, Esquires, of the County of Anson; John Barrow, Samuel Boatwell, Thomas Respass, James Bonner, Thomas Bonner, Thomas Pevice, Francis Jones, William Brown, Henry Bonner, John Smaw, Robert Tripp, William Boyd, John Kennedy, Reddin Blount, Junr., John Tripp, for the County of Beaufort, Isaac Jones, George Brown, William McRee, John Smith, John Turner, Archibald McKeesick, Abraham Barnes, John Grange, Thomas Owens and Thomas Brown, Esquires, for the County of Bladen; Thomas Pugh, William Gray, John Campbell, James Campbell, George Lockhart, Peter Clinton, John Freeman, Thomas Ward, William Ghoby, Humphrey Hardy, Jonathan Jacocks, Simon Turner, Andrew Oliver, William Bryan, Thomas Rhodes, Reubin Norfleet, James Bryan, Abner Eason, William

Benson, George Ryan and William Pugh, Esquires, for the County of Bertie; Richard Quince, Isaac Marion, John Davis, Edward Wingate, Thomas Davis, Richard Quince, Junr., Parker Quince, Robert Snow, Robert Ellis, Robert Schaw, John Rowan, John Bell, Samuel Walters, Roger Davis, Thomas Neale, William Gause, Lewis Dupre, John Fergus, and Needham Gause, Esquires, for the County of Brunswick; Osburn Jeffries, William Johnston, Philemon Hawkins, Benjamin Ward, James Ransome, Jr., William Person, Henry Hill, Thomas Turner, Matthew Thomas, Philip Burfurd, James Ransome, Senr., Young McLemore, Thomas Miller, James Paine, Green Hill, Edward Jones, William Alston, Robert Goodlow, Esquires, for the County of Bute; Joseph Leech, James Davis, Jacob Blount, John Benners, John Carruthers, Richard Ellis, John Fonviele, John Tillman, Edward Franks, William Bryan, Emmanuel Simmons, Alexander Gaston, Jacob Johnston, John Bryan (Trent), William Randall, William Carraway, Bazil Smith, William Tisdale, Silas Stevenson, John Gilyard, and John Carney, Esquires, for the County of Craven; Valentine Wallis, Lewis Welch, William Thompson, Solomon Sheppard, Micajah Frasier, Joseph Bell, David Wallis, Joseph Bell, Kittarel Mundine, John Easton, Thomas Chadwick, Jacob Wade and John Williams, Esquires, for the County of Carteret; Richard Stanley, Kedar Marchand, Samuel Jarvis, Thomas Williams, Willis Etheridge, Nicholas Leving, Taylor Jones, John Nathen, John Powers, Thomas Jarvis, William Ferebee, Nathan Poyner, John Humphries, John Simons, Stephen Brooks, Spencer Hall, Zebulon Williams, Samuel Midgett, Caleb Simons, Maliche Merchant, and Thomas Miller, Esquires, for the County of Currituck; Demsey Sumner, Joseph Blount, Edward Vaile, Senr., Joseph Hewes, Thomas Bonner, John Baptist Beasley, James Blount, James Sumner, William Boyd, Robert Smith, Jacob Hunter, Jethro Benton, Luke Sumner, Thomas Benbury, Thomas Hunter, Josiah Granberry, Charles Bonfield, Joseph Underhill, and William Roberts, Esquires, for the County of Chowan; David Smith, Robert Rowan, William Sprowl, Robert Cobb, Alexander McAllister, Archibald McKay, William Scale, Thomas Matthews, Junr., James McDonald, Gilbert Clark, Philip Alston, Thomas Hadley, Ica Atkins, Alexander Avery, Walter Murray, John Robertson, Charles Campbell, John Matthews, Peter Mallet, John Lyon, William Stringfielder, Theophilus Evans, Robert Cochrane, James Dyer, Esquires for the County of Cumberland; Robert Rutherford, Alexander Clark, Matthew Jones, John Thomson, Balaam Thompson, Charles Matthews, John Ramsey, Richard Kennon, James Sellars, Samuel Stuart, John Nall, and Gray Barbary, Esquires for the County of Chatham; Thomas Edwards, Henry Goodman, Robert Simms, William Hooker, Thomas Williams, William Whitfield, Junior, Robert White, Junior, George Miller, Joseph Pipkin, Constantine Whitfield, John Cobb, Joshua Herring, William Sasser, Spyers Singleton, and Etheldred Ruffin, Esquires for the County of Dobbs; John Sampson, William Houston, Thomas Rutledge, Richard Clinton, James Kenan, William Ball, William Dixon, Thomas Hix, Robert Dickson, Richard Herring, William Taylor, and James Lockhart, Esquires for the County of Duplin; Aquila Sugg, Edward Moore, Samuel Ruffin, Duncan Lamon, Elisha Battle, William Haywood, Sherwood Haywood, Henry Irwin, Joseph Williamson, John Thomas, Matthew Drake, Noah Sugg, Robert Bignall, Nathan Bodie, Exum Lewis, Jonas Johnston, William Hall, Isaac Sessoms, Jacob Dickinson, Arthur Arrington, and Joseph Pender, Esquires for the County of Edgecombe; Robert Harris, Thomas Person, John Pope, William Burford, Jonathan Kitrell, David Mitchell, Robert Lewis, Thornton Yancey, Charles Rust Eaton, Memucan Hunt, John Young, Thomas Bankes, John Taylor, Samuel Smith, Henry Lyre,

and John Oliver, Esquires for the County of Granville; Robert Lindsay, Alexander Caldwell, Charles Galloway, Robert McKinnie, William Gray, William Coles, James Martin, Philemon Deatheridge, Joseph Hines, William Gowdy, Adam Lackie, John Collier, James Brown, John Burton, William Clark, John Harris, George Costner, Gabriel Scot, and James Park Farley, Esquires for the County of Guilford; Rotheas Latham, Thomas Jones, Thomas Jordan, William Russell, Benjamin Parmelle, Frederick Baron, Burridge Selby, Robert Gibbs, Benjamin Holloway, Richard Harvey, Phineas Latham, Joseph Hancock, and John Poole, Esquires for the County of Hyde; Matthias Brickel, George Little, Lawrence Baker, James Wright, William Murfree, James Boon, John Harrold, John Northcut, James Reddick, Edward Hair, Josiah Sumner and Benjamin Brown, Esquires for the County of Hertford; Montfort Elbeck, John Bradford, William Branch, Philip Kearney, Egbert Haywood, Joseph John, William Samuel Weldon, John Jones, Charles Paitner, John Geddy, James Allon, Cullen Edwards, John Young, Jeremiah Nelves, Willis Alston, Willie Jones, John Whitaker, Benjamin McCulloch, and John Branch, Esquires for the County of Halifax; William Bryan, Henry Raines, Nathan Williams, Samuel Smith, Needham Bryan, John Hinnant, William McCullers, John Stevens, John Smith, Alexander Avery, Elisha Thomas, William Avery, Richard Warren, Richard Rivers, Phillip Raiford, William Hinnant, Charles Wilkinson, Kedar Powel, Henry Finch and Thomas Lee, Esquires for the County of Johnston; Paul Barringer, Robert Harris, Richard Berry, Martin Phifer, Abraham Alexander, Adam Alexander, Henry Downes, Hezekiah Alexander, David Reese, John Davison, Robert Irwin, John Ford, John McKnit Alexander, Ephraim Brevard, Jeremiah McAfferty, Robert Harris, Junior, James Harris, and Abraham Barnett, Esquires for the County of Mecklenburg; John Hardison, Edward Smithwick, William Slade, William Sherrod, John Lewellen, John Everit, Whitmell Hill, Thomas Wiggins, Thomas Hunter, Kenith McKenzie, Francis Ward, Samuel Smithwick, Samuel Williams, John Ross, John Kennedy, John Griffin, Nathan Mayo, Blake Baker Wiggins, Joshua Taylor, John Perry, James Moore and Thomas Riddick, Esquires for the County of Martin; John Hardee, John Simpson, George Moyer, Lazarus Peirce, Amos Atkinson, Peter Reaves, John Williams, Robert Salter, Edmund Williams, Frederick Gible, John Bower, James Lanier, David Perkins, William Hines, James Latham and William Travis, Esquires for the County of Pitt; John Brevard, Griffith Rutherford, George Henry Barringer, Moses Winslow, William Sharp, Robert King, James Brandon, John Johnston, Andrew Hunt, Jacob Nichols, Matthew Troy, Michael Brown, Israel Cox, Robert Moore, James Carr, Henry Davis, Joseph Steel, William Moore, Christopher Beckman, Andrew Woods, Charles McDowell, Hugh Brevard, Ephraim McLaine, John Perkins, John Conelly, Robert Holmes, Francis Cunningham, Matthew Sharp, Robert Blackburn, James Davison, Esquires for the County of Rowan; Martin Armstrong, William Hall, Charles Macanally, Jacob Boon, Robert Lanier, Benjamin Cleveland, Samuel Freeman, John Hudspeth, Michael Howzer, Matthew Moore, Joseph Winston, Richard Good, Thomas Johnston, Benjamin Hearndon, William Lanier, John Snead, William Dobson, Elisha Isaacks, Matthew Brookes, William Hawkins, Esquires for the County of Surry; Benjamin Blount, Giles Long, Joseph Spruill, Junr., John Hooker, Jeremiah Frasier, James Long, Thomas Horkins, Joseph Whidbee, Stephen Swain, Peter Wynns, Isham Webb, James Phelps, Junr., Benjamin Haril, John Wynns, Matthew Driven-greeses, Isaac Meekins, Edward Blount, Junr., Isaac Alexander, Junior, Richard Hough, Thomas Mackey, John Stubbs, Thomas Averit, Esquires for the County of Tyrrel; Joseph Harding, John Robertson, William Graham,

George Lamkin, William Yancey, John M. Kinie, George Black, Robert Johnston, James McAffie, Frederick Hambright, Valentine Mauney, Jonathan Hampton, and William Nevill, Esquires for the County of Tryon; Joseph Lane, Theophilus Hunter, Thomas Hines, Joel Lane, James Martin, Abraham Hill, James Jones, Thomas Wooten, Tignal Jones, Thomas Crawford, Michael Rogers, Lodowick Alford, Joseph Davis, Albridgeton Jones, and William Walton, Esquires for the County of Wake; George Moore, Cornelius Harnett, Richard Quince, Frederick Jones, George Merrick, William Purviance, William Campbell, John Anerum, Sampson Moseley, John Devane, Samuel Swann, John Lillington, William Wilkinson, John Robertson, William Jones, William Jones, Senior, Henry Young, Timothy Bloodworth, and John DuBois, Esquires for the County of New Hanover; John Duke, Howel Edmunds, Drury Gee, William Eaton, Lewis Williamston, Charles Thompson, Allen Jones, Joseph Wood, Hezekiah Hough, Thomas Low, Eaton Haynes,, Bennit Hill, and Thomas Parker, Esquires for the County of Northampton; William Gray, James Howard, Henry Rhodes, Lewis Williams, Thomas Johnston, Seth Ward, Benajah Doty, John Spicer, John Starkey, John Brinson, Stephen Grant, Edward Starkey, Robert Nixon, Archibald Gillespie, Stephen Williams, Richard Jerrat, Jacob Charleraft, Shadwick Hall, Reuben Grant, Esquires for the County of Onslow; Alexander Mebane, Senr., Lawrence Thompson, John Hawkins, John Butler, Eli McDaniel, John Hogan, William McCauly, Charles Abercrombie, Richard Binningham, Robert Abercrombie, Junior, James Hogg, William Johnston, Thomas Hart, Nathaniel Rochester, Alexander Mebane, Junr., James Freeland, William Rainey, James Scarlet, John Paine, Richard Holman, Robert Parks, Thomas Rice, George Moore, John Atkinson, James Saunders, William Moore, William Hubbard, John Douglass, Junior, Thomas Taylor, Joseph Allison, Robert Blackwell, Spill Coleman, Jeremiah Poston, James Rice, George Jerot, Esquires for the County of Orange, Benjamin Harvey, Charles Blount, Jesse Eason, John Hollowell, Seth Sumner, Thomas Harvey, Edmund Blount, Jesse Perry, William Skinner and Benjamin Phelps, Esquires for the County of Perquimans; Lemuel Sawyer, Isaac Gregory, Isaac Guilford, Jonathan Banks, John Lowry, Abraham Symons, Jonathan Herring, Thomas Redding, James Shannonhouse, Isaac Sawyer, Edward Everigin, Thomas Boyd, Abner Harrison, Demsey Sawyer, William Scarborough, Charles Grandy, Enoch Relfe, Willis Bright and Timothy Hixon, Esquires for the County of Pasquotank; John Carter, John Sevier, Charles Robeson, Valentine Sevier, Robert Lucas, John Haile, Andrew Grear, Thomas Simpson, Jacob Womack, John Shelby, George Russell, William Bean, Henry Clark, Zacharias Isbell, Aaron Pinson, John McNabb, Thomas Houghton, William Higgins, Isaac Johnston, Andrew Baker, Junior, and William Clarke, Esquires for the District of Washington, shall be Justices for keeping the peace and the Governor is hereby impowered to issue commissions to proper persons in each County and the said District to qualify the said Justices, and that they shall have power to hold Sessions of the Peace in their respective Counties on the days for holding County Courts by the Act of Assembly last in force in North Carolina and in the District of Washington on the fourth Tuesday in February, May, August and November, next if not otherwise ordered by Act of Assembly, and to enquire, hear and determine crimes and misdemeanors and to enforce all Laws relative to the Orphans, Guardians, Probate of Wills, and granting Letters Testamentary and of Administration to take proof of Deeds, and granting Commissions for taking the privy Examination of Feme Coverts and high Ways in such manner and under such restrictions as Inferior Courts of Pleas and Quarter Sessions or Justices of the Peace may and can

execute and enforce the same pursuant to an ordinance of this present Congress intituled An Ordinance to enforce the Statute Laws and such parts of the Common Law and Acts of Assembly heretofore in use here; also to enforce such Resolves of the Conventions and Congresses of this State which have not had their effect and also to execute and perform any such power or Duty as any Ordinance of this Congress shall appoint or require, and the said Justices of the Peace within their respective Counties and in the District of Washington are hereby authorized to execute the Resolves of the Congress held at Halifax in April, one thousand seven hundred and seventy-six, relative to debtors who may abscond, remove or resist in like manner, and under like restrictions as Committees were by the said Resolves, authorized and empowered to proceed.

And be it also ordained that the Justices of the Peace in the respective Counties and in the District of Washington, shall have power to appoint Clerks of the County Courts and Sessions of the Peace by a majority of the votes of all the Justices in the Commission of the Peace, and all such Clerks when appointed shall hold their respective offices during good behavior.

And be it further Ordained by the Authority aforesaid, That the persons appointed Justices of the Peace by this Ordinance before entering upon and executing the said office, shall take the oath appointed to be taken by publick officers, and also the following oath, to-wit: I, A. B. do swear that as a Justice of the Peace in the County of _____ in all Articles in the Commission to me directed, I will do equal right to the poor and to the rich after my cunning, Wit and power and to the best of my judgment according to law and I will not be of Council in any quarrel hanging before me, I will not let for Gift or other cause but well and truly I will do my office of a Justice of the Peace as well within the County Court and Sessions of the Peace as without and I will not take any fee, Gift, Gratuity or Reward for anything to be done by virtue of my office, and I will not direct or cause to be directed any warrant by me to be made to the parties but I will direct such to the Sheriff or Constable of the County or other the officers or ministers of the State or other indifferent persons to do execution thereof. So help me God.

And to prevent a failure of Justice, Be it ordained by the authority aforesaid, that the respective Justices of the Peace shall at their first Sessions, which shall be held after the passing of this Ordinance appoint some substantial Freeholder in their County to be the Sheriff until the General Assembly shall make Provision to the Contrary, which Sheriff when so chosen shall enter into Bond with good Security in the penalty of one thousand pounds payable to the Governor and his successors agreeable to and as near as may be to the form of a Bond payable to the King in an act entitled An Act for appointing Sheriffs and Directing their duty in office and in executing all process, and in apprehending and securing criminals, the several Sheriffs in this State shall be governed by the said Act, when it is not inconsistent with or repugnant to the Independence of this State or the rules and regulations in force within the same and shall also appoint as many constables as they may think necessary who shall before entering upon the execution of their office, take an oath of Allegiance to the State and an Oath of office.

And be it further ordained by the Authority aforesaid, That this Ordinance shall continue and be in force until the end of the next session of the General Assembly and no longer. Read the third time and ratified in open Congress this 23rd of December, 1778.

An Ordinance for the Appointing a Treasurer for the Southern District in room of Richard Caswell, Esquire.

Whereas Richard Caswell Esquire has resigned his office of Treasurer for the Southern District, and as it is necessary that a Treasurer be appointed in that District in this State,

Be it ordained by the Representatives of the Freemen of North Carolina in Congress assembled that John Ashe, Esquire, be & is hereby appointed Treasurer for the Southern District, and that he be invested with the same powers and authorities and liable to the same fines, penalties and forfeitures as Treasurers were by an act of Assembly of this Province passed in the year one thousand seven hundred and seventy three, intituled an act for appointing Publick Treasurers and directing their duties in office, and that he, the said John Ashe, before ne enters on the execution of the said office shall give Bond and sufficient Security in the sum of One Hundred Thousand Pounds.

And be it further ordained by the authority aforesaid, That the said Treasurers shall be entitled for his services in that office to such salary, commissions or emoluments as the future Legislature shall order and direct, and that this ordinance continue and be in force until the end of the next session of the General Assembly and no longer.

Read the third time and ratified in open Congress the 23rd day of December, 1776

An Ordinance Concerning Marriages.

Be it Ordained by the representatives of the Freemen of the State of North Carolina, in Congress assembled,

That all regular ministers of the Gospel of every Denomination having the Cure of Souls shall be empowered to celebrate Matrimony according to the rights and ceremonies of their respective churches, such Ministers respectively observing the rules and restrictions provided by law in Cases of Marriages and that this ordinance shall be in force to the end of the next Session of the Assembly and no longer.

Read the third time and ratified in open Congress this 23rd day of December, 1776.

An Ordinance Declaring what shall be Treason in this State, and for punishing the same, and other Crimes and Practices committed therein.

Whereas Government ought at all times to take the most effective Measures for the Safety and Security of the State,

Be it therefore ordained and declared, and it is hereby ordained and declared by the Representatives of the freemen of the State of North Carolina, in Congress assembled, and by the authority of the same, that all and every person and persons (except prisoners of war) now inhabiting or residing within the limits of the State or that shall voluntarily come into the same hereafter, to inhabit or sojourn, do and shall owe and pay allegiance to the State of North Carolina.

And be it further ordained and declared by the authority aforesaid that all and every such person and persons so owing allegiance to the State of North Carolina who shall after the publication hereof levy war against this State, or be adherent to the King of Great Britain or others, the enemies of this State

or to the enemies of the United States of America, by giving him or them aid or assistance within the limits of this State or elsewhere, or shall hold correspondence with, or give intelligence to him or them, and shall be thereof duly convicted, stand mute or challenge peremptory, more than thirty-five jurors in any Court hereafter to be established having cognizance thereof shall be adjudged guilty of high treason, shall suffer death without benefit of Clergy and shall forfeit his Lands, Tenements, Goods and Chattels to the use of the State.

And be it further ordained & declared by the authority aforesaid, That any person or persons (except prisoners of War) residing, inhabiting or sojourning in this State, who shall hereafter know of such treason and Counsel the same or shall relieve or assist such Traitor knowing him to be such, and shall be thereof convicted stand mute or peremptorally challenge more than 35 jurors as aforesaid, shall be adjudged guilty of misprison of Treason, and shall forfeit one half of his goods and chattels, Lands and Tenements to the use of the State; and be imprisoned any term not exceeding the duration of the present War with Great Britain, at the Discretion of the Judge or Judges.

And be it further ordained and declared by the authority aforesaid, that in all convictions for High Treason the Judge and Judges before whom the trial is had, may out of the estate forfeited by virtue of this ordinance, make such provision for the wife or Children if any of the Criminal, as he or they in his or their discretion may deem necessary.

And be it further ordained and declared that this ordinance shall be in force until the end of the next session of Assembly and no longer.

Read the third time and ratified in open Congress the 23d day of December, 1776.

An Ordinance Declaring certain practices Misdemeanors against the State and for punishing the same.

Whereas many persons who owe allegiance to the State, bearing evil minds, disaffection and Enmity against the Freedom thereof, have endeavoured by various practices to incite insurrections to propagate and spread sedition, Disaffection and Conspiracy, against the Liberties of this State for prevention and punishment whereof,

Be it therefore ordained and declared by the representatives of the Freemen of the State of North Carolina in Congress assembled, and by the authority of the same, That any person or persons owing allegiance to this State, who shall deny the supreme authority of the people, or the authority of their Representatives to make Laws not repugnant to the present Constitution and form of government and the Declaration of Rights for regulating the Internal Police and for the full and compleat government of this State; or who shall assert, publish or maintain that George the Third, King of Great Britain, or any other Foreign Prince, State or Potentate, hath or ought to have any rightful power, prerogative, jurisdiction or authority within this State or that the Inhabitants thereof do owe any allegiance to the said George, or who shall assert, publish, or maintain that those persons who have opposed or taken arms to oppose the tyrannical powers and Unconstitutional Acts of the King and parliament of Great Britain, or to oppose any armed Force employed by the said King and Parliament against the United Colonies are rebels, or ought to be punished for such opposition, or shall deny the lawfulness of defending this State, by force of arms against

the Forces of Great Britain, and all other Enemies thereof, or shall knowingly and willingly depreciate the Bills of Credit, heretofore emitted by Act of Assembly or Resolve of Congress, or by order of the Legislature of this State, and shall be duly convicted thereof in any Court of Record shall be adjudged Guilty of a Misdemeanor and shall be punished by Fine or imprisonment at the discretion of the Court.

Read the third time and ratified in open Congress this 23rd day of December, 1776.

An Ordinance directing the Qualification of Members of the General Assembly, and all officers, Civil and Military.

Whereas, it is necessary that the members of the General Assembly and all Officers, Civil and Military should, previous to their taking their seats or entering upon the Execution of their office, take an Oath to this State,

Be it therefore ordained, and it is hereby ordained by the representatives of the Freemen of the State of North Carolina in Congress assembled and by the authority of the same, That all members of the General Assembly before taking their seats, and all officers, Civil and Military shall before their entering upon the execution of their office, take the following oath to-wit:

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to the State of North Carolina and to the powers and authorities which are or may be established for the government thereof, not inconsistent with the Constitution, and that I will to the utmost of my power, maintain and defend the same against all attempts whatsoever, and I do declare that no foreign Prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority civil or ecclesiastical within the same, and I do solemnly and sincerely declare that I do believe in my conscience that neither George the third, King of Great Britain, nor the Parliament thereof, jointly with the said King or separately, have any right or title to the Dominion or Sovereignty over this State, or to any part of the Government thereof, and I do denounce refuse and abjure any allegiance or obedience whatsoever to them, or either of them, or to any person or persons put in authority by or under him or them; and I do swear that I will to the utmost of my power defend the said State against all Traitorous Conspiracies and attempts whatsoever that shall be made against the same, and I will do my utmost endeavor to disclose and make known to the Legislative or Executive powers of the said State all Treasons and Traitorous Conspiracies which I shall know to be carried on or intended against the said State. And I do faithfully promise to the utmost of my power to support, maintain and defend the independence of this State against him, the said George, and all other persons whatsoever, and all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken and according to the plain and common sense and understanding of the same words without any Equivocation, Mental evasion, or secret reservation whatsoever. And I do make this acknowledgement, abjuration, renunciation, and promise heartily, willingly, and truly upon the true faith of a Christian. So help me God.

And should any person or persons whatsoever, presume to take their seats in the General Assembly or enter upon the execution of his or their office before the taking of the said oath, he or they so offending shall forfeit and

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pay the sum of One Hundred Pounds, recoverable in any Court of Record in this State having Jurisdiction thereof to be appropriated by the General Assembly.

Read the third time and ratified in open Congress the 23rd of December, 1776.

Copy Test.

CORNELIUS HARNETT, Vice President.
J. GLASGOW, Secretary.

END OF VOLUME TWENTY-THREE.